



Tuolumne Me-Wuk Tribal Council

Post Office Box 699
Tuolumne, California 95379



Testimony of Kevin Day, Tribal Chairman Before the House Resources Committee

Good Morning Mr. Chairman:

My name is Kevin Day and I am the Chairman of the Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria. Thank you for holding this hearing on H.R. 3079. I would also like to thank the U.S. Forest Service for supporting this legislation in its testimony before the Senate and note that the Tribe has no problem with the amended legal description of the parcels that the Forest Service is requesting. Finally, I would also like to thank our local Tuolumne County Government for supporting the enactment of this legislation.

Mr. Chairman, I'd like to start by giving you some background; the Tuolumne Band of Me-Wuk Indians is a small federally recognized central California Tribe with an approximate tribal membership of 400. Our modern tribal government was organized under the Indian Reorganization Act in January of 1936. Our small reservation is located in the western foothills of the Sierra Nevada Mountains, approximately one hour north of Yosemite National Park and two hours east of Sacramento. We operate a successful casino under a compact with the State of California and we own an existing hotel which is located adjacent to that casino. We use the revenue generated by these enterprises to support our tribal programs and improve the lives of our people.

The bill before you today is very simple. It proposes to transfer two forty acre parcels of land from the U.S. Forest Service to the Bureau of Indian Affairs in trust for the Tribe. The Forest Service parcels that we are seeking to acquire are completely surrounded by tribally owned land to the south and west, and by lands held by the private Edward Ingalls Trust to the north and east. This makes those lands virtually unusable to the Forest Service and very difficult and very costly for the Federal Government to maintain. As a result, some years ago, local Forest Service representatives approached the Tribe to learn if we might be interested in acquiring those lands.

We were immediately interested, for two reasons. First, these parcels are located in an area of great cultural and historical significance to the Tribe. Second, unless these parcels are properly maintained through fire fuel reduction activities, they present a very real danger to our tribal community and other surrounding land holders. In an area like ours, the question is not if we will be exposed to another catastrophic fire; it is when.

The Cultural Significance of these Forest Service Parcel

Our tribal oral history tells us that these Forest Service lands form a part of a greater Me-Wuk traditional cultural landscape. We have already started to acquire some of the lands that form that cultural landscape through our purchase of the once privately owned Murphy Ranch which borders the Forest Service parcels we are discussing here on the south, west and east. It is also the reason that upon the acquisition of the Murphy Ranch, we designated all of its lands as a protected tribal conservation area.

Surveys conducted on these Murphy Ranch lands have found that they house some 24 cultural/archeological sites of significance to our Tribe. Additionally, an ethnobotanical study of the Murphy Ranch lands has found that they contain plants of traditional subsistence, medicinal and technological uses at 32 separate locations. In fact, our tribal members still gather traditional cultural materials on those lands today.

Although the Forest Service has never performed an environmental study on the Forest Service lands we are seeking, the simple topography and biology of the area clearly indicates that these lands will be found to contain similar cultural sites, and many of the same ethnobotanical species that are found on the Murphy Ranch.

Fire Protection Concerns

As noted above, fire protection was another reason that the Tribe expressed an immediate interest in acquiring these Forest Service parcels. Because our Reservation is located within an area which has been designated by the State and the Federal Government as a "High Fire Hazard Severity Zone," protection of our tribally owned lands from catastrophic wildfires is of paramount tribal concern. The severity of this threat is enhanced every year we suffer a drought and every year that fuel reduction activities are not performed on all heavily forested areas nearby. Mr. Chairman, this is the fourth year of severe drought in our area of California, and I have never seen any fuel reduction activities performed on the Forest Service parcels we are seeking in my entire lifetime!

Mr. Chairman, as you have seen on television, fire is not a casual threat for those of us living near or within the boundaries of the Stanislaus National Forest. In 2013, our tribal headquarters came within 14 miles of the area destroyed by the Rim Fire, the third largest in State History. In fact, our tribally owned Murphy Ranch and the two (2) isolated Forest Service parcels we are seeking to acquire came even closer, being only some 7.5 miles away from the area completely destroyed by that tragedy. That Rim Fire ended up destroying some 257,314 acres of land and causing some \$127 million in damages.

The Forest Service has long recognized the threat of fire in our area and as a result it has entered into fuel reduction agreements with our Tribe consistently for the last three years. Under these agreements, our Tribal Fire Chief assesses the fire hazard presented in

a given area by dead and downed trees and other wildfire hazards and prescribes a site specific fuel reduction plan. When that work is completed, our Tribal fuel reduction crew of ten (10) then goes onto that specific site to remove those hazards. This can be a complicated process since certain areas require the hand removal of this debris in order to protect cultural areas, streams, new growth and other naturally occurring items.

Unfortunately, areas like the two forty acre parcels we are seeking to acquire have not had this type of fuel reduction activities performed in a number of years. Isolated federal parcels of this type are not a priority use for the limited fuel reduction dollars provided to our area, even though to us many of these areas pose very real threat.

Other Committee Concerns

I am aware that some of your members are going to be concerned with two things: the position of our local county government and of the surrounding land holders; and the fact that the Forest Service parcels we are seeking to acquire are some 7.5 miles from our Reservation boundaries.

First, as to local government concerns. When the Tribe decided to seek ownership of these parcels, one of the first things that we did was to contact the local Tuolumne County Board of Supervisors to explain our intent. We have an excellent working relationship with our county government and that relationship is enhanced by an existing Memorandum of Understanding (MOU) which sets forth protocols for all interaction between the County and the Tribe. That Agreement, which was executed on January 16, 2001, provides for - among other things - a binding annual payment from the Tribe to the County, to offset any costs or tax or other losses the County incurs from providing services to our Reservation and tribally owned lands. This relationship and this agreement, which gave our County government a payment of some \$890,000 just this year, made it very easy for the Tuolumne County Board of Supervisors to support and pass the attached written resolution supporting this acquisition.

Then, we went to the Executor of the Edward Ingalls Trust which owns the property boarding the Forest Service Parcels to the north to resolve any concerns that he had. That Executor, Mr. Craig Ingalls, was also quick to sign the attached letter of support, because his single biggest concern is with the Forest Service's inability to provide fuel reduction work on those parcels and because he knows that the Tribe would be far more likely to perform this work on a reoccurring basis.

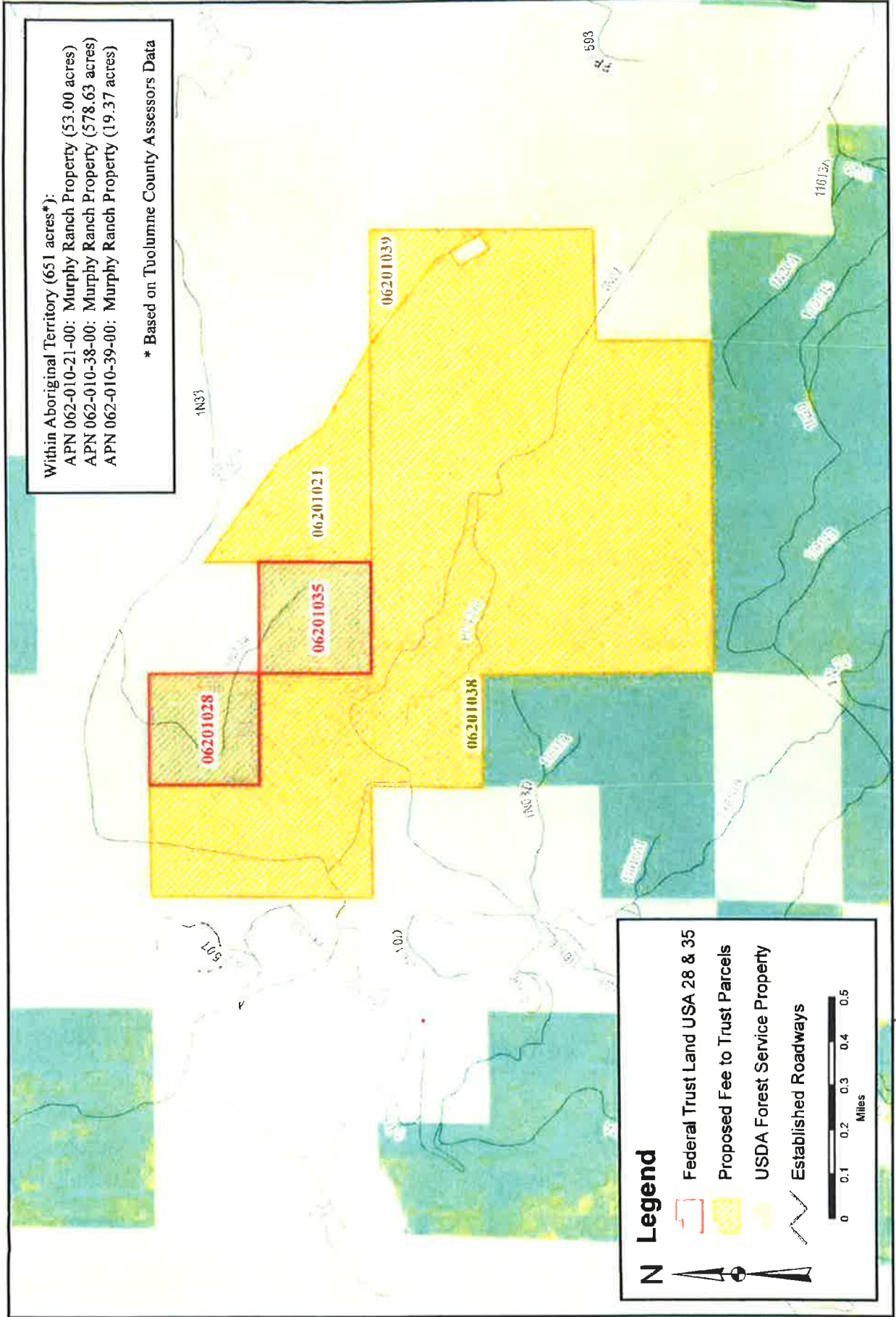
We also wanted to appease any concerns that your members may have about the fact that these parcels we are seeking are located off of our existing reservation. First, as I previously noted, our Reservation is located in an area which is heavily forested. The terrain in between our existing Reservation and our tribally owned Murphy Ranch and the contiguous Forest Service parcels we are seeking, is a river canyon which is largely owned by the BLM and the Forest Service. There are just a few private parcels in that area which are largely undeveloped. So this bill is not trying to help our tribe obtain a casino or other business development site nearer to an urban area. We already have that

development on our existing lands. Second, neither the Forest Service parcels nor the Murphy Ranch that we already own are conducive to development. There are no permanent roads, or utilities on or near any of those lands, which makes the costs associated with bringing even something like new tribal housing onto those sites totally prohibitive. That is why we had no problem including the no-gaming language in this bill. These are wildlife and plant conservation areas we are seeking and nothing more.

Finally, we wanted to make you aware that we are in the process of taking our Murphy Ranch Lands into trust. The environmental assessment performed for that fee-to-trust application states clearly that these lands are, and will continue to be, used as a tribal land conservation area. If we are awarded title to the Forest Service parcels we are requesting here, those parcels will simply be added to that existing "Murphy Ranch Tribal Conservation Area."

Mr. Chairman, thank you again for holding this hearing. I will be happy to answer any questions you may have.

**TUOLUMNE BAND OF ME-WUK INDIANS
PROPOSED FEE TO TRUST LANDS - MURPHY RANCH PROPERTY**



For informational purposes only. No non-authorized distribution allowed. Contact Tuolumne Me-Wuk Tribal Council Planning & Development Department at (209) 928-5304 for more information. April 8, 2015 (J. Rodriguez)

No. 80-15

Filed July 7, 2015

By [Signature]
Chief Deputy Clerk of the Board of Supervisors



**RESOLUTION
OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TUOLUMNE
SUPPORTING THE TRANSFER OF UNITED STATES FOREST SERVICE
LANDS INTO TRUST FOR THE TUOLUMNE BAND OF ME-WUK INDIANS**

Whereas, the Tuolumne Band of We-Wuk Indians is seeking federal legislation to have Congress transfer two (2), forty (40) acre parcels in close proximity to the Tuolumne Rancheria in Tuolumne County, California from the United States Forest Service to the Bureau of Indian Affairs in trust for the benefit of the Tuolumne Band of Me-Wuk Indians for non-gaming purposes; and

Whereas, the Tuolumne Band of Me-Wuk Indians are also asking that Congress modify the boundaries of the Tuolumne Rancheria to incorporate these United States Forest Service Lands adjoining the Tuolumne Rancheria similar to lands addressed in the California Indian Land Transfer Act of 2000, PL 106-568; and

Whereas, the Board of Supervisors of the County of Tuolumne supports the Tuolumne Band of Me-Wuk Indians' request of Congress; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Tuolumne, State of California does hereby support the Tuolumne Band of Me-Wuk Indians' request of Congress to transfer the United States Forest Service lands to the Bureau of Indian Affairs in trust for the Tuolumne Band of Me-Wuk Indians and to add these lands adjoining the Tuolumne Rancheria to the Tuolumne Rancheria the same as those lands transferred to other California Tribes under the California Indian Land Transfer Act of 2000, as identified on Exhibit "A" attached hereto and incorporated herein by this reference.

ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF TUOLUMNE ON
July 7, 2015

AYES: 1st Dist. Absent **NOES:** _____ **Dist.** _____

2nd Dist. Harvett _____ **Dist.** _____

3rd Dist. Absent **ABSENT:** 1st Dist. Berman

4th Dist. Shay _____ 3rd Dist. Rodger

5th Dist. Rodger _____ **ABSTAIN:** _____ **Dist.** _____

[Signature]
CHAIRPERSON OF THE BOARD OF SUPERVISORS

ATTEST: _____
Chief Deputy Clerk of the Board of Supervisors

No. 80-15

Craig P. Ingalls
Edward G. Ingalls Trust
854 E. Oakside Drive
Sonora CA 9570

12 June 2015

Kevin Day, Tribal Chairman
Tuolumne Band of Me-Wuk Indians
P. O. Box 699
Tuolumne CA 95379

Dear Chairman Day,

The Edward G. Ingalls Trust supports the transfer of two Forest Service parcels that are currently a part of the Stanislaus National Forest to the Bureau of Indian Affairs to be held in trust for the benefit of the Tuolumne Band of Me-Wuk Indians. These parcels are identified by the County Assessor's Office as APN-062-010-28 and APN 062-010-35.

The Edward G. Ingalls Trust owns the property to the north of the Tribe's fee simple land known as the "Murphy Ranch." It is to my understanding that the Tribe would manage these parcels as a conservation area, as they are currently doing with the Murphy Ranch.

Please let me know if there is anything else I can do to support the transfer of these two parcels to the Tribe.

Sincerely,


Craig P. Ingalls