

**Testimony of
Nicholas Fonseca, Chairman
Shingle Springs Band of Miwok**

Before the House Subcommittee on American Indian and Alaska Natives

H.R. 2388, To authorize the Secretary of the Interior to take certain Federal lands located in El Dorado County, California, into trust for the benefit of the Shingle Springs Band of Miwok Indians, and for other purposes.

July 23, 2013

Good morning Chairman Young, Ranking Member Hanabusa. Thank you for holding this hearing today and for the opportunity to testify. My name is Nicholas Fonseca, and I am the Chairman of the Shingle Springs Band of Miwok Indians. I am accompanied today by the General Counsel for the tribe, Ms. AmyAnn Taylor.

Background

The Shingle Springs Band of Miwok Indians is a federally recognized Indian Tribe, located on a 160-acre reservation near Placerville, California, in the western foothills of the Sierra Nevada. We are approximately 40 miles northeast of Sacramento.

The tribe consists of over 500 tribal citizens, 140 of whom live on our reservation. The remainder of the Tribe's members live mainly in the area between the reservation and Sacramento.

Originally, there were two tribes occupying land adjacent parcels of land where our current reservation currently exists.

The first acquisition, known as the "El Dorado Tract", consisted of 80 acres and was acquired for the landless Indians living in the El Dorado County area in 1916.

An additional 160-acre parcel was acquired by the United States on March 11, 1920, and is known as the "Verona Tract". The deed stated that the parcel would be dedicated to "the use and occupancy of the Sacramento-Verona Band of Homeless Indians" (the Sacramento-Verona Band of Homeless Indians is the original name of the Shingle Springs Band of Miwok Tribe). The only legal access to the Verona parcel was through the El Dorado parcel.

The tribes retained their respective rights to the parcels, as set aside in 1916 and 1920, undisturbed through the 1950's. In the 1950's, CalTrans began the planning effort for the

construction of Highway 50, and in the early 1960's, CalTrans requested permission to survey the El Dorado and Verona Tracts in its effort to determine the best placement for Highway 50. Ultimately, CalTrans selected a proposed site for Highway 50 that crossed over the El Dorado Tract and the *only* access to the Verona Tract.

Despite a specific request made by the California Council of Federated American Indians on behalf of the Indians living on the reservation to retain access to their Rancheria lands, and a promise by the Bureau of Indian Affairs to guarantee the Verona Band's continued ingress to and egress from these lands, the trust status of the adjoining El Dorado tract was terminated and 28 acres of the parcel were sold to make way for Highway 50 (the remainder went into private ownership). No access or other right of way was provided to the Tribe for access to the remaining reservation land, the Verona Tract. Consequently, no tribal members lived on the reservation.

Despite objections made by the Tribe, the Bureau of Indian Affairs attempted to sell the Verona Tract out from under them on four separate occasions during the 1960's. They failed in that effort, probably because no one wanted to purchase the landlocked parcel.

In late 1970, members of the Verona Band began the process of reorganizing pursuant to the Indian Reorganization Act. This process was completed when their Articles of Association were approved on December 10, 1976, and the Tribe became known as the Shingle Springs Band of Miwok.

As Shingle Springs tribal members moved back to the Rancheria, the problems with the lack of access became more and more of an obstacle to the tribe's everyday operations.

Because the Verona Tract was landlocked, the tribe had to seek access to the parcel through other means, and eventually secured a right of way through an adjacent subdivision, the Grassy Run Subdivision. However, this right of way was insufficient from the start, and conflicts with the homeowners in the subdivision were a constant.

Because of problems with this right of way, the tribe was unable to promote any economic development on the reservation. Despite its proximity to CA Highway 50, the limitations on access to its lands were too severe to allow the public to enter through the Grassy Run right of way.

The Tribe eventually resolved the issue of economic development by securing a loan to pay for the construction of an off-ramp from CA Highway 50 directly to the Rancheria, in conjunction with CalTrans and the United States Bureau of Indian Affairs, at a cost of over \$40 million to the Tribe.

In negotiating the necessary permissions for the off-ramp, the Shingle Springs Tribe agreed to close off their access to the Rancheria through the Grassy Run Subdivision, and now can only access their lands through the off-ramp from the highway, with no access to or from local roads.

Since the Tribe built the off ramp, it has been seeking and acquiring land for additional housing for tribal members, as well as space for governmental operations and other non-gaming economic development. Additionally, one of the Tribe's goals for land consolidation has been to establish local access to its reservation for the Tribe's citizens.

Although the Tribe has been able to purchase parcels around and adjacent to its existing reservation, it has not been successful in aggregate enough land in a location convenient to create a site for housing or to build out local road access.

However, the Bureau of Land Management owns a parcel of land isolated from its other land holdings and consisting of approximately 40.8 acres contiguous to the tribe's existing Rancheria lands at its northwest corner. This parcel is also contiguous to another parcel owned by the Tribe in fee. *(See attached, the Rancheria owned parcel is highlighted in blue, the BLM parcel is highlighted in yellow.)* If the BLM parcel is acquired by the Tribe, these parcels could provide access to a local roadway and would also provide much needed acreage for tribal housing, governmental buildings and non-gaming economic development.

Shingle Springs approached the BLM in April 2011 to determine their support for a transfer of the 40-acre parcel to the tribe, and on September 21, 2012, Congressman McClintock introduced H.R. 6532, which would have authorized a direct sale of the BLM parcel to the tribe. No action was taken on H.R. 6532 prior to the end of the 112th Congress.

H.R. 2388

On June 14, 2013, Congressman McClintock introduced H.R. 2388, to authorize the Secretary of the Interior to take certain Federal lands located in El Dorado County, California, into trust for the benefit of the Shingle Springs Band of Miwok Indians, and for other purposes.

The purpose of the bill is simple. It will transfer, in trust status, a parcel of land currently owned by the BLM. As stated above, the BLM parcel is isolated from other land holdings of the BLM, and is not actively utilized by the Agency.

This acquisition will allow the Tribe to consolidate land holdings on the northwest corner of its reservation to allow the Tribe to establish local access to county roads from the reservation and will also provide much needed space for governmental activities, particularly the development of much needed housing for Tribal citizens.

El Dorado County supports this transfer, and I have attached a copy of the letter from the County expressing their support for it.

Conclusion

The Shingle Springs Band of Miwok Indians strongly supports H.R. 2388, a bill that would transfer the adjacent BLM parcel to the Shingle Springs Rancheria in trust status, because it will further the ability of our Tribe to meet its needs and the needs of the Tribal citizens by providing

additional land for the much needed purpose of housing, economic development and other governmental purposes.


Finally, we would like to thank Congressman McClintock for introducing this bill for the Tribe and for his support of Shingle Springs.

Thank you again for the opportunity to present my testimony today, and for your support of this bill, which is so important to the Shingle Springs Band of Miwok Indians.



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