

December 2, 2015

Bureau of Indian Affairs
Amy Dutschke, Regional Director
Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

MORONGO
BAND OF
MISSION
INDIANS



A SOVEREIGN NATION

Attn: Arvada Wolfin

Re: Fee to Trust Application, Morongo Band of Mission Indians "Section 11 parcel"

Dear Director Dutschke,

This letter is to formally request that the fee owned parcel of The Morongo Band of Mission Indians (MBMI) in Banning, CA, referred to as Riverside County Assessor's Parcel Number 523-140-016 consisting of approximately 10.61 acres be brought into Trust Status. The Morongo Band of Mission Indians has no intention of using this parcel for gaming purposes.

25 U.S.C. § 465 authorizes the Secretary of Interior, in his discretion, to acquire land in trust for Indians. Regulations of the Department of Interior provide that the Bureau of Indian Affairs, acting on behalf of the Secretary of Interior, will accept fee simple land into trust status on a discretionary basis. In preparing this letter of application, the Morongo Realty Department has followed the on-reservation fee-to-trust regulations set out in 25 C.F.R. parts 151.1, 151.3 and 151.10.

Included with letter of application are the following documents

1. Tribal Resolution Number 090214-05 from the Morongo Tribal council in support of this transfer
2. Title Commitment from Lawyers Title Company with the proposed insured as "The United States of America in Trust for The Morongo Band of Mission Indians"
3. Copies of all documents listed in schedule "B" of the title commitment (exceptions from title insurance)
4. Property Detail Sheets
5. Grant Deed showing current title owners as "Morongo Band of Mission Indians"
6. Property Tax Information
7. Vicinity Map
8. Aerial Map
9. (Unapproved) Categorical Exception Review for the transfer of the property
10. Environmental Overview prepared May 30th, 2014

Background

The Morongo Indian Reservation is comprised of a checkerboard of land parcels in Riverside County. To enhance its sovereignty interests and governmental ability to protect and promote the health, safety, and welfare of its members and Reservation residents, the Tribe has purchased the parcel as part of its ongoing efforts to consolidate its Reservation lands. The parcel was purchased from the County of Riverside on April 1st, 2013 as part of a mutually beneficial transaction whereby the Morongo Band of Mission Indians were able to purchase this parcel adjacent to the Morongo Reservation and the County of Riverside was granted an utility easement to serve an Emergency Communication site that contributes to better public safety. Placement of the parcel in trust status will assist the Tribe in exercising its powers of self-governance and self-determination.

§ 151.10 On-Reservation Criteria

25 C.F.R. § 151.10 states that the following criteria are considered in evaluating requests for the acquisition of land in trust status when land is located within or contiguous to an Indian reservation, and the acquisition is not mandated.

(a) The existence of statutory authority for the acquisition and any limitations contained in such authority;

25 U.S.C. 465 authorizes the Secretary of Interior, in his discretion, to acquire land in trust for Indian Tribes. Regulations of the Interior Department provide that the Bureau of Indian Affairs, acting on behalf of the Secretary of the Interior, will accept fee simple land into trust status on a discretionary basis. 25 C.F.R. 151.1, 151.3, and 151.10. Specifically, 25 C.F.R. Part 10 provides that the BIA will "accept title to land in trust inside a reservation ... if [the BIA determines] that the application facilitates tribal self-determination, economic development, Indian housing, land consolidation or natural resources protection"

(b) The need of the individual Indian or the tribe for additional land;

Tribal Self-Determination

(c) The purposes for which the land will be used;

Due to the checker boarding of the Reservation, the Morongo Band is constantly faced with jurisdictional problems relating to enforcement of Tribal law, custom, and tradition and the protection and promotion of the health, safety, and welfare of Tribal Members and other residents of the Reservation. Fundamental governmental prerogatives are often frustrated when there is not a consolidated land base. The Tribe determined that the purchase of this land was necessary to facilitate tribal self-determination and self-governance. The Tribe has no other contemplated use for the parcel.

By accepting these lands in trust, the Secretary will assist the Tribe in its efforts to consolidate and integrate these and other acquired fee parcels with the other tribal trust lands and resources of the Reservation.

(d) If the land is to be acquired for an individual Indian, the amount of trust or restricted land already owned by or for that individual and the degree to which he needs assistance in handling his affairs;

N/A

(e) If the land to be acquired is in unrestricted fee status, the impact on the State and its political subdivisions resulting from the removal of the land from the tax rolls;

As the parcel in question consists of only 10.61 acres and only generates \$350.26 in tax revenue, the impact on the State of California and the County of Riverside will be minimal.

(f) Jurisdictional problems and potential conflicts of land use which may arise; and

The Morongo Band of Missions Indians will provide all necessary public safety services to the parcel. These tribal services will include safety patrols by tribal security, fire safety checks, protection services by the tribal fire department, and weed abatement and general property maintenance by the tribal public works department.

The Morongo Band of Missions Indians doesn't foresee there being any jurisdictional problems or conflicts.

(g) If the land to be acquired is in fee status, whether the Bureau of Indian Affairs is equipped to discharge the additional responsibilities resulting from the acquisition of the land in trust status.

The Morongo Band of Mission Indians has contracted the Title and Realty function from the Bureau of Indian Affairs and as of April 10, 2014 has applied and been accepted into the tribal self-governance program. There shall be no additional responsibilities or burden on the Bureau of Indian Affairs resulting from this application.

(h) The extent to which the applicant has provided information that allows the Secretary to comply with 516 DM 6, appendix 4, National Environmental Policy Act Revised Implementing Procedures, and 602 DM 2, Land Acquisitions: Hazardous Substances Determinations. (For copies, write to the Department of the Interior, Bureau of Indian Affairs, Branch of Environmental Services, 1849 C Street NW., Room 4525 MIB, Washington, DC 20240.)

The Morongo Environmental department completed an Environmental Overview and Categorical Exclusion Exception Review on October 24, 2014 and concluded that there is no area of environmental concern regarding this parcel which will interfere with the United States Government taking it into trust for the benefit of The Morongo Band of Mission Indians. The Categorical Exclusion Exception Review has been submitted to the Bureau of Indian Affairs, Southern California Agency and is pending approval.

The Morongo Realty Department is available if you have any questions or require further information regarding this application. Please feel free to contact myself or Haile Skuza at 951-849-4697. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Karen Woodard". The signature is fluid and cursive, with a long horizontal line extending to the right.

Karen Woodard
Realty Administrator
Morongo Realty Department

cc. MBMI "Section 11 Parcel" Application
FTT File