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Testimony on H.R. 5468
Presented by Joseph Art Sam, Chairman
Bridgeport Indian Colony
Before the House Committee on Natural Resources
July 28, 2010

My name is Joseph Art Sam, and I am the Chairman of the Bridgeport Indian Colony. Thank you for holding this hearing concerning H.R. 5468. I am accompanied today by the Vice-Chairman of our Tribe, Herb Glazer, and our legal counsel: Patty Marks from here in Washington, D.C. and Mark Levitan from California.

The Bridgeport Indian Colony is a small federally recognized California Tribe with 120 members. Our Tribal Government was organized under the Indian Reorganization Act in 1976, after Congress designated our 40 acre reservation in 1974. Our reservation is located just outside the town of Bridgeport, California, on the Eastern side of the Sierra mountain range. We have attached a map of California (Exhibit A) which shows the location of our reservation. As you can see, due to mountains on the East and the West, we are in a geographically remote area of California. The two closest passes over the Sierra mountains close for the winter, further isolating our region. The closest metropolitan areas of any significant size are Carson City and Reno, Nevada, which are about a 1.5 - 2 hour drive north.

The two BLM to BIA land transfers authorized by H.R. 5468 address two issues critical to the Tribe: health care; and additional lands for housing and economic development.

The first parcel is a 7.5 acre site approximately 30 miles north of the reservation. You can see the location of the parcel on the map attached as Exhibit B. In the 1980s, utilizing funds from a Community Development Block Grant, the Tribe was able to build a small health clinic on this parcel. The project was orchestrated by the Toiyabe Indian Health Project, a non-profit

consortium of tribes in the Eastern Sierra which provides health care services to the Native and non-Native population. Toiyabe leased the parcel from the BLM under the Recreation and Public Purposes Act, and leased the building from the Tribe. It was the documented intent of all the parties that after the clinic was built Toiyabe would purchase the land from the BLM, transfer it to the Tribe, and the Tribe would request the BIA to accept it into trust for the benefit of the Tribe. For unknown reasons, this never occurred. Now, almost 30 years later, the BLM acknowledges that the Tribe owns the building, but for technical legal reasons BLM is no longer comfortable with the Tribe obtaining title to the property through this process. The Tribe, BLM, and Toiyabe have mutually agreed that a Congressional transfer of the parcel from the BLM to the BIA, to be held in trust for the Tribe, is the most efficient way to resolve our situation.

Toiyabe closed the clinic in 2006 for lack of funding. The Tribe and Toiyabe are committed to reopening the clinic; and both the Native and non-Native population have expressed that they miss the clinic and feel its presence is important to the area. It is our hope that maintaining the clinic on trust land will help Toiyabe and the Tribe to obtain additional funding to reopen the clinic and keep it open. In the process of preparing the legislation, the BLM State office decided to redraw the parcel boundaries slightly to clarify the boundaries of the parcel and to make the legal description simpler by using aliquot parts. Following their approach, the parcel boundary described in the legislation just encompasses the clinic and its parking area, and does not include additional lands.

The second parcel is located adjacent to the Tribe's reservation. As you can see on the aerial photograph attached as Exhibit C, this parcel of BLM land sits in-between the Tribe's 40 acre reservation and Highway 182. The Tribe's current reservation is the shaded orange area, and the adjacent parcel has red lines across it. Highway 182 is a small, two-lane highway which connects Bridgeport to Hawthorne, Nevada. Note that the main thoroughfare through Bridgeport is Highway 395, about seven-tenths of a mile to the south. We've also included a ground-level photograph of the parcel attached as Exhibit D, which gives you a better idea of the rural nature of the area. The adjacent parcel is in the foreground, covered simply with sage brush. The collection of buildings in the middle of the photograph is the town of Bridgeport, and the mountains in the background are the Sierras as seen from the east.

The Tribe has been trying to acquire this parcel from the BLM for over 15 years. The current reservation is completely built out, and we still have additional housing needs for our population. There is also no space on our current reservation for any economic development projects. It is the goal of our Tribe to become self-sufficient and self-reliant as a government, and we know that economic development is the only option for us to reach that goal. If this land can be acquired, we plan to build an RV park, gas station and convenience store, a recreation center open to the Native and non-Native population of the area, as well as additional residential housing for Tribal members. Most of our on-reservation members currently receive public assistance, and the majority of the remainder of our Tribal members are lower income. We are in desperate need of both jobs and additional sources of income.

We have entered into a binding MOU with the County of Mono to address the off-reservation impacts of the development of this parcel, and we have the strong support of the Board of Supervisors. We have attached a copy of the executed MOU as Exhibit E, and a letter from the County Administrative Officer expressing the County's strong support for the bill as Exhibit F. The economy of the town of Bridgeport has suffered significantly in the past few years, with many businesses closing and even more being put up for sale, and the County hopes that the Tribe's development of the adjacent parcel will serve as a local economic stimulus.

The Tribe went through a Federal Land Policy Management Act (FLPMA) land sale process with the BLM to obtain this parcel. After numerous delays, and a decision to sell the Right of Way on the parcel for Highway 182 to Caltrans directly in fee, the BLM decided to sell the parcel to the Tribe in 2005. The decision was protested and appealed by some non-Native Bridgeport residents, and on May 28, 2009, the Interior Board of Land Appeals issued a decision which generally upheld the land sale, but which remanded the decision back to the BLM to clear up a few technical issues. The BLM has addressed the technical issues and they have assured us that they will make those findings available to the Committee as part of the record of this bill.

When the Tribe realized that its acquisition of the health clinic parcel would necessitate Congressional action, we decided that it would be most beneficial to include the adjacent parcel in our request as well. To be honest, our main incentive was financial. When we set out to purchase the adjacent parcel from the BLM the sale price was estimated at approximately \$50,000. During the long delay caused by the IBLA appeal, the BLM reappraised the parcel and

determined that the sale price will now be over \$250,000. Our Tribe has been fortunate to receive distributions from the California Revenue Sharing Trust Fund, and we have been setting aside funds to use as seed money for economic development. But if we were forced to pay \$250,000 for this parcel, it would significantly impact our ability to develop projects to benefit the Tribe.

Finally, I would like to address the gaming issue straight on, because I know it is an issue of concern to many of your Committee Members. Our Tribe has investigated gaming as an economic development option, and we have come to the conclusion that we do not have a viable location for a casino. Our Tribe will only continue to receive distributions from the Revenue Sharing Trust Fund as long as we remain a non-gaming tribe pursuant to the definition in the California 1999 gaming compacts. It would not make sense for us to develop our own gaming facility, because the population of our region simply would not support it. As I mentioned earlier, the closest metropolitan area of any significant size is Carson City and Reno, Nevada, located 1.5 - 2 hours north; there are of course plenty of gaming options in the Reno area already. According to the last Census, the population of Mono County is under 13,000. The population of the town of Bridgeport is not measured by the census, but the County estimates the population is approximately 800. To the east and west we are bordered by mountain ranges. To the south one has to travel all the way to Victorville (the northernmost suburbs of Los Angeles), approximately 5 hours away, to reach any significant population.

Given our location, we understand why some Members may ask why the Tribe has not proposed language which would prohibit gaming on these parcels, as some other tribes have done recently, and avoid any debate over the issue. With respect, we submit that the Indian Gaming Regulatory Act was passed in part to benefit tribes, and we do not believe we should be excluded from the rights that Act designates for us. We do not know how the demographics of our region or gaming may change over the next 20 years or 50 years, and we do not want to give away the rights of our children and grandchildren. Also, it appears from our research that a majority of the tribes that have agreed to such language for Congressional land transfers were already operating casinos on their existing lands, which we submit is not an analogous situation.

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In our recent negotiations with the County of Mono Board of Supervisors for the MOU, many members of the public encouraged their representatives to address casino development, but after listening to the Tribe's perspective, the County did not insist that the MOU specifically prohibit or address gaming in any way. We request that Congress take its cue from the local government in this regard.

We've attached as Exhibit G excerpts from the Mono County Board of Supervisors meeting at which they voted on whether to support the Tribe's efforts. The Supervisor at the time for the area of the County where the reservation sits was Bill Reid. The excerpts from the meeting are all quotes from Supervisor Reid, as he spoke powerfully in support of the proposed Congressional land transfer, and eloquently addressed both the gaming and the local economy issues. Unfortunately Supervisor Reid passed away that very night after the meeting, and his work had to be taken up by the other Supervisors. We are profoundly grateful to Supervisor Reid for his support and believe that his efforts helped to redirect the relationship between the Tribe and the County into a positive area.

After H.R. 5468 was introduced, we reviewed the legal property descriptions with the BLM State Office, and there are some minor changes to the bill language that our legal counsel believe should be made. On page 5, line 20 (Section 3(b)(1), the paragraph should end after "more or less," and the remainder of the paragraph, "as identified on the map titled "Bridgeport Camp Antelope Parcel"" should be deleted. On page 5, line 22, Section (3)(b)(2) should be revised in its entirety, and should read: "Lots 1 and 2 of the Dependent Resurvey and Metes-and-Bounds Survey of Township 5 North, Range 25 East, of the Mount Diablo Meridian, California, as approved by the Chief Cadastral Surveyor of California, Lance J. Biby, February 21, 2003."

In closing, on behalf of our Tribe I would like to thank you Mr. Chairman, and the Committee, for taking the time to consider this land transfer. Thank you also to our Congressman, Representative McKeon, for introducing this bill and for his strong support of the Tribe's efforts. Finally, I would like to thank the BLM, the BIA, the County of Mono Board of Supervisors, and the Committee staff for all of their assistance in helping our Tribe to reach this point. I hope I have provided the Committee with the information you need to report this bill to the House floor in the near future. I look forward to answering any questions you may have.