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TESTIMONY OF CONGRESSMAN DUNCAN HUNTER (CA-52)

HOUSE SUBCOMMITTEE ON INDIAN AND ALASKA NATIVE AFFAIRS

DECEMBER 4, 2012

Thank you Mr. Chairman and Members of the Subcommittee for holding this hearing and providing me with the opportunity to testify on S. 3193, the Barona Band of Mission Indians Land Transfer Clarification Act of 2012. Simply stated, this is a bipartisan, non-controversial bill that provides correction to an error inadvertently made when Congress placed certain lands into federal trust on behalf of the Barona Band of Mission Indians (Tribe) in 2004. Unfortunately, this error has had ongoing ramifications since that time and S. 3193 will rectify these problems for the betterment of many in my district.

As you know, water availability continues to be a major challenge for Southern California, particularly in the San Diego region. This situation is further magnified when natural disaster occurs, as was demonstrated with large-scale wildfires in 2003 and again in 2007. In an effort to increase water availability for emergency situations, a provision was included on behalf of the Tribe in the Native American Technical Corrections Act of 2003. Specifically, this provision placed parcels of land into federal trust with the goal of possibly constructing a water pipeline from a local reservoir to the Tribe's reservation land in the future. During debate of this legislation, it was made clear on the House floor that this provision was included for the benefit

of the community as a whole. The legislation was passed and signed into Public Law 108-204 by President Bush.

Soon thereafter, however, it became evident that the land description in the new law was incorrect and placed a separate parcel of land into federal trust. The incorrectly listed parcel is property owned by Mr. Robert Bonfills, an elderly widower who now has a cloud over the title of his property, adversely affecting his ability sell. At the same time, this situation has created confusion between the Tribe and the County of San Diego regarding land assessments and tax liabilities.

It is for this reason that Senator Feinstein introduced S. 3193, which passed the Senate by unanimous consent on September 22, 2012. This legislation provides the technical correction necessary to place the proper parcel into federal trust as Congress originally intended and removes the cloud currently existing over Mr. Bonfills' property, whose family desires to sell to provide for ongoing health expenses associated with his convalescent care. The legislation is supported by the Tribe and the County of San Diego, which was thoroughly consulted to insure the legal description contained therein was both accurate and consistent with local, state and federal land records. The findings portion of this legislation was a collaborative effort between Senator Feinstein and myself to address concerns raised by neighbors living adjacent to the reservation regarding groundwater levels for their homes.

Mr. Chairman, members of the Subcommittee, S. 3193 is action that is both necessary and long overdue and I respectfully request it is provided your full consideration and approval. I thank you again for this opportunity and am available to answer any questions you may have regarding this important issue.