

## **STATEMENT OF THE MORONGO BAND OF MISSION INDIANS**

On behalf of the Morongo Band of Mission Indians, I would like to thank you for the opportunity for the Morongo Band to participate in the study of rights of way on tribal lands. We are keenly interested in this study, because for more than 100 years, federal and state agencies, public and private utilities and other entities planning and building electric transmission lines, oil and gas pipelines, highways, water aqueducts, railroads and telecommunications facilities have regarded Morongo's lands as the path of least resistance and least cost, with the result that some of the best lands on the Morongo Reservation have been preempted from tribal use for minimal compensation.

Specifically, the Morongo Reservation is crossed by at least seven high-voltage electric transmission lines, a major interstate natural gas pipeline, the aqueduct carrying water from Hoover Dam to Southern California, fiber optic telecommunications facilities, a railroad and an Interstate highway. The first 230 kilovolt electric transmission line was built in 1945, but was not licensed by the then-Federal Power Commission until 1954. Morongo was never consulted about the construction of that line. As far as we can tell, the FPC did not make the finding required by 16 U.S.C. Sec. 797(e) that the inclusion of Reservation lands within the license for that project would not interfere or be inconsistent with the purposes for which the Reservation was created. As far as we can tell, the FPC did not make a determination of the reasonable annual charges for that line's use of our lands, and did not give Morongo the chance to object to whatever determination of charges was made. What we do know is that by the time the FPC license expired in 1995, Morongo was receiving about \$30 per year in compensation for the use of a right-of-way that was 300 feet wide and nearly six miles long. The other rights-of-way across Morongo similarly were granted with little or no consultation with the Tribe, and for minimal compensation.

We know that other tribes have had, and are continuing to have, similar experiences. We are concerned that the true motive behind this study is to enable non-tribal governments and utility interests to run roughshod over some of the most fundamental tribal rights and powers on the pretext that tribal governments are obstructing efforts to meet the rest of society's energy needs.

Because the Morongo Reservation is impacted by so many different kinds of rights of way, we suggest that our Reservation be used as a case study of how non-tribal energy interests have exploited tribal trust lands in ways that have conferred enormous benefits on the holders of such rights of way, with little or no benefit, and in most cases serious detriment, to the tribal beneficiaries of the federal trust status of those lands.