S. HRG. 106–553

STATUS OF CERTAIN LAND HELD IN TRUST FOR THE MISSISSIPPI BAND OF CHOCTAW INDIANS

HEARING

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

ONE HUNDRED SIXTH CONGRESS

SECOND SESSION

ON

S. 1967

TO MAKE TECHNICAL CORRECTIONS TO THE STATUS OF CERTAIN LAND HELD IN TRUST FOR THE MISSISSIPPI BAND OF CHOCTAW INDIANS, TO TAKE CERTAIN LAND INTO TRUST FOR THAT BAND

MARCH 29,, 2000
WASHINGTON, DC

U.S. GOVERNMENT PRINTING OFFICE

63–629 CC WASHINGTON : 2000

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STATUS OF CERTAIN LAND HELD IN TRUST FOR THE MISSISSIPPI BAND OF CHOCTAW INDIANS

Wednesday, March 29, 2000

U.S. SENATE,
COMMITTEE ON INDIAN AFFAIRS,
Washington, DC.

The committee met, pursuant to other business, at 2:40 p.m. in room 485, Senate Russell Building, Hon. Ben Nighthorse Campbell (chairman of the committee) presiding.

Present: Senators Campbell, Inouye, and Hatch.

Also present: Senator Cochran.

STATEMENT OF HON. BEN NIGHTHORSE CAMPBELL, U.S. SENATOR FROM COLORADO, CHAIRMAN COMMITTEE ON INDIAN AFFAIRS

The CHAIRMAN. We will now move the bill relating to the lands of the Mississippi Choctaw Tribe, which is S. 1967, legislation to clarify and make technical changes to the trust land status of the lands owned by the Mississippi Band of Choctaw Indians.

I certainly want to welcome Senator Cochran, when he gets here. I imagine, like all of us, he has three or four things to do at the same time. We will take his testimony when he does arrive, and the same with—Secretary Gover is not here yet either, is he? Excuse me, Kevin, I didn't see you. If you would like to come on up to the table, Kevin, we would appreciate that.

Certainly we are very happy to see our friend, Chief Martin, here today, too. You might also like to come up to the table, Chief Martin.

It goes without saying that under Chief Martin's leadership the Mississippi Band has become a model for business development, employment and economic self-determination. These are not only admirable traits that Chief Martin has put in place, but certainly he has set an example for many other tribes to follow.

The normal way tribes take land into trust is through the administrative process of the Bureau of Indian Affairs, and certainly I want to make it clear that S. 1967 does not signal my particular desire to have tribes do an "end-run" around that process, however muddled it is and however slow it is.

S. 1967, however, is a reflection of the unique status of the Band's lands, and this bill will clarify that status.

[Text of S. 1967 follows:]

II

106TH CONGRESS
1ST SESSION

S. 1967

To make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 1999

Mr. COCHRAN (for himself and Mr. LOTT) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

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A BILL

To make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. STATUS OF CERTAIN INDIAN LANDS.**

4 (a) IN GENERAL.—Notwithstanding any other provi-
5 sion of law—

6 (1) all land taken in trust by the United States
7 for the benefit of the Mississippi Band of Choctaw

1 Indians on or after December 23, 1944, shall be
2 part of the Mississippi Choctaw Indian Reservation;
3 (2) all land held in fee by the Mississippi Band
4 of Choctaw Indians located within the boundaries of
5 the State of Mississippi, as shown in the report enti-
6 tled "Report of Fee Lands owned by the Mississippi
7 Band of Choctaw Indians", dated September 28,
8 1999, on file in the Office of the Superintendent,
9 Choctaw Agency, Bureau of Indian Affairs, Depart-
10 ment of the Interior, is hereby declared to be held
11 by the United States in trust for the benefit of the
12 Mississippi Band of Choctaw Indians; and
13 (3) land made part of the Mississippi Choctaw
14 Indian Reservation after December 23, 1944, shall
15 not be considered to be part of the "initial reserva-
16 tion" of the tribe for the purposes of section
17 20(b)(1)(B)(ii) of the Indian Gaming Regulatory Act
18 (25 U.S.C. 2719(b)(1)(B)(ii)).
19 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
20 tion shall be construed to alter the application or the re-
21 quirements of the Indian Gaming Regulatory Act (25
22 U.S.C. 2701 et seq.) with respect to any lands held by
23 or for the benefit of the Mississippi Band of Choctaw Indi-
24 ans regardless of when such lands were acquired.

○

The CHAIRMAN. Senator Inouye, did you have an opening comment?

Senator INOUYE. I want to welcome Chief Martin.

It is always good to see you, sir.

The CHAIRMAN. Why don't we go ahead and start with our Assistant Secretary until Senator Cochran gets here.

STATEMENT OF KEVIN GOVER, ASSISTANT SECRETARY FOR INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

Mr. GOVER. Good afternoon, Mr. Chairman.

It is a pleasure to be here to support S. 1967. The bill, as you know, would place a number of lands owned by the Mississippi Band of Choctaw Indians into trust without going through the usual administrative process under part 151 of our regulations.

This process, while I think in some respects has been a good one over the years, also has been very troublesome, and particularly as it happens in the Eastern Regional Office. One of the "casualties," you might say, of the move toward self-determination and self-governance is that the realty staff in this area in particular—and I should add also, in the Sacramento Regional Office—have been particularly hard-hit to the point where we have dozens, perhaps hundreds, of pending applications for land to be taken into trust. While the Administration is taking some steps to try to expedite the process, we have absolutely no objection to the Congress, in its judgment, stepping in and saying, in this particular case, "These lands should be taken into trust without going through that process."

Now, for the committee's information, we have done two things to try to expedite the process. First, we have issued some proposed regulations that would amend part 151 and really set these applications into two categories: one for on-reservation acquisitions, and another for off-reservation acquisitions. The vast majority of our applications are for on-reservation acquisitions, and we would like to find a way to expedite that process, make it virtually certain that in that circumstance we're going to take the land into trust, because that is the most clear case of trying to address the harm that was done by the allotment policy, and we should always remember that the Secretary's authority derives from the Indian Reorganization Act, which was intended to address the ill effects of the allotment policy.

The second thing we've done, Mr. Chairman, is to request a substantial increase in our operating funds for trust services at both the Regional and the Agency levels. And those funds would go to real estate officers at the local level to process applications like these.

We think that with those two changes, we can begin to do a better job than we have in the past of processing these applications. In the meantime, though, we have no objection whatsoever, and in fact support the Congress choosing to take matters into its own hands in circumstances like this.

We do have two issues that we would want to mention to the committee and ask for your assistance. The first has to do with the possibility of environmental contamination on the lands. We don't know that there is any, but in general we are cautious about tak-

ing lands into trust where there is some potential for environmental contamination because it could create liability on the part of the tribe or the United States.

I have just received from the tribe a summary report concerning contaminant surveys that were conducted, and we appreciate the tribe giving us that. If in fact we can do a little due diligence and confirm that these are the circumstances on these parcels, we would not ask for an amendment. I am confident that we will be able to work that out with the tribe, and I thank the tribe for providing this information.

The second issue is a little bit technical, but nevertheless worth raising. Section 183 of the bill states that the land made part of the Mississippi Choctaw Indian Reservation "shall not be considered to be part of the initial reservation under Section 20(b)(1)(B)(2) of the Indian Gaming Regulatory Act." We are a little unclear as to why the provision is in the bill, since the tribe did not go through the Federal acknowledgement process, and this section generally only applies to tribes that have gone through the acknowledgement process.

S. 1967 also does not address the status of the other exceptions to Section 20 of the IGRA, and we don't know that any of those exceptions would apply. It doesn't create an objection in our minds, but nevertheless we thought we would mention it and make sure that everyone is clear as to the effect of the bill.

So with those two very minor issues, Mr. Chairman, we are pleased to be here and to support the efforts of the committee and the Chairman in this matter.

[Prepared statement of Mr. Gover appears in appendix.]

The CHAIRMAN. We thank you, and perhaps Chief Martin can address those two concerns.

Chief, why don't you go ahead and proceed? Welcome to the committee once again.

STATEMENT OF PHILIP MARTIN, CHIEF, MISSISSIPPI BAND OF CHOCTAW INDIANS, PHILADELPHIA, MS, ACCOMPANIED BY STEPHEN GLEASON, POLICY AND PROGRAM ANALYSIS AND RESEARCH, MISSISSIPPI BAND OF CHOCTAW INDIANS AND BRYANT ROGERS, ESQUIRE, LAW FIRM OF ROTH, VAN AMBERG, ROGERS, ORTIZ, FAIRBANKS AND YEPPA, LLP, SANTA FE, NM

Mr. MARTIN. Thank you very much, Mr. Chairman, and Vice Chairman Inouye; it is good to see you, as well.

Thank you very much for this opportunity to say a few words in support of S. 1967. This bill would correct some technical issues with land, as well as place some others into trust.

We find that when we were not doing very much, trust land was not important to us—lands are important to us, but we didn't have much need for that. But since we got into economic development, community development, human resources development, we find that lands are very important; and that without property and the sovereignty that it gives us, we would not be able to do what we have been able to do with our economic development program.

We have—and this is not bragging; it is just plain fact—we have done excellently in creating jobs for our people, and not only our

people but anybody who wants to work within a 100-mile radius. It has given the tribe the economic power to make changes and it has been good for our people. Our people are going to school and have an opportunity to go to college, any college of their choosing. We give them 100 percent support. Before, BIA used to give us $50,000 a year for a scholarship program, and we have generated over $3 million a year to send our kids to school.

So if left alone, and supported by trustees and Congress, I believe we can do even more than we have in the past.

So I look at the progress that we're making now as the beginning. In order to practice true self-determination, we have to have not only the financial resources, but we also have to have human resources that can take over many of the jobs, professional and technical jobs, now filled by non-Indians. The land really plays a major part in our development.

Now, the two issues that were brought up, we've done a lot of research on this; it's well-written. We've had a lot of people working on this, including Senator Cochran's office, Ann Copeland, and many others up here in Washington who have been working on it. I have a few people here with me—one of them I call a bureaucrat; I've got my own bureaucrat—he's a former Interior——

The CHAIRMAN. Any bureaucrat is welcome here. [Laughter.]

Mr. MARTIN. You know, they're not too bad sometimes.

The CHAIRMAN. Our bureaucrats are not too bad, either.

Mr. MARTIN. I am going to call on him to answer one of these, and I'm going to call on Bryant Rogers, who is our attorney, to also talk on the second item there. Can I have those gentlemen come up?

The CHAIRMAN. Yes; certainly. Do they wish to make a statement, or just answer questions?

Mr. MARTIN. Yes; a statement on the two issues that came up.

The CHAIRMAN. If you would please come to the table with Chief Martin and identify yourselves for the record before you make your statement, the committee would appreciate it.

Mr. GLEASON. My name is Steve Gleason. I am the bureaucrat from Interior days that the chief made reference to. I am now his bureaucrat. I work in his office.

With regard to the assistant secretary's question on the environmental review, this was one of the areas where we felt we could productively work with the Bureau of Indian Affairs [BIA] to solve an issue that had not been addressed in a number of years. A number of these properties, over 70 of them, had never had an environmental review done on them, so we went to the Eastern Regional Office and we said,

> Let us contract out this process. We will provide you with the information on the contractor; if it meets your standards, we will proceed with getting this done in a very expeditious manner.

The information on the contractor was provided to the Eastern Regional Office. The Eastern Regional Office realty officer agreed that that particular company, HazClean, was competent to do the surveys, and there are 45 pounds of surveys. Each property has been walked; each property has been surveyed for all the requirements. As a result of the Level I survey, all properties were found in good condition. There are a couple of minor spills which we are in the process of mitigating at this point in time. The survey results we have just passed on to the assistant secretary. As I say, it's one of the areas where we've worked well with the Bureau in expediting a situation that was not moving at all.

The CHAIRMAN. The committee has on hand here a copy of the environmental consultant letter from HazClean Environmental Consultant Center. Without objection, I will include that in the record, too.

[Letter appears in appendix.]

The CHAIRMAN. Yes, sir?

Mr. ROGERS. Mr. Chairman, Mr. Vice Chairman, my name is Bryant Rogers. I am an attorney from Santa Fe, NM, but I am originally from Mississippi and I have worked with Chief Martin since 1971.

In regard to the IGRA issues that Assistant Secretary Gover raised, there are really two answers to why this language is in here. If you look at part B of the bill, that was included to make sure that nothing in this particular bill, S. 1967, would alter the IGRA rules as applied to their land. There are already rules in IGRA that if you acquire land in trust after October 17, 1988, there are special provisions under section 20 that have to be complied with in order to use those lands for gaming.

Part B was put in to make sure that those rules were not being altered in any way by the spill.

The part III that the assistant secretary focused on, which refers to initial reservation, was put in, really—I don't remember which committee staff, but one of the staff members requested that we put it in just so there would be absolutely no argument, and I believe they had a reference that we were trying, suddenly, by declaring this reservation land, that it would be put back as if it had been declared in 1944. And there is a case involving a tribe that didn't go through the formal acknowledgement process that argued that they had initial reservation land.

So to be abundantly cautious, we wanted to make sure—we were not trying to pull anything here. No land that is affected by this bill will be able to be used for gaming if it wouldn't be able to be used for gaming today, without full compliance with the special provisions in Section 20.

The CHAIRMAN. Good. Good.

Before I ask any questions, I would like to yield to our friend from Mississippi, Senator Cochran.

STATEMENT OF HON. THAD COCHRAN, U.S. SENATOR FROM MISSISSIPPI

Senator COCHRAN. Mr. Chairman, thank you very much. I am pleased to join my friend, Chief Philip Martin, here today before the committee on this bill, which I introduced in November of last year. As you know, the bill provides that land held in trust for the Mississippi Choctaw is reservation land, and it takes into trust land currently owned by the tribe.

Chief Martin, as you well know, is one of the most successful economic development leaders in our State. He has had over 40 years of service to the tribal government, including 23 years as the principal elected official of the Mississippi Choctaw. During his tenure, it has been amazing that 8,400 members of the tribe have created a widely diversified reservation economy. They own more than 1.2 million square feet of retail, direct mail, printing, gaming, and manufacturing facilities in our State. Unemployment on the res-

ervation is about 4 percent, compared with 75 percent 20 years ago. The tribe is the largest employer in east-central Mississippi, and is among the 10 largest employers in the State.

The passage of the bill would be very helpful to the chances of the Choctaw to continue to grow economically and contribute to the betterment of the people of the tribe.

I hope the committee can look favorably on the legislation.

Thank you very much.

The CHAIRMAN. Chief Martin's reputation as a leader, particularly in economic development for Indian country, is well known to the committee.

Senator Hatch, did you have any comments or questions?

Senator HATCH. No; I'm sorry, I could just be here for a few minutes; I have to get to the Floor, but I wanted at least to be here briefly and commend Chief Martin for the outstanding work he has done.

The CHAIRMAN. Thank you for being here.

Let me ask a couple of things, then.

First, as you probably know and our friend Assistant Secretary Gover knows, and the chief may know too, the committee has always been a little careful when we deal with taking land into trust land by legislative method rather than going through the normal Bureau process. We get involved in all kinds of discussions, as you probably know, about what taking trust land does in terms of local zoning, local ordinances, taking it off of tax rolls if it's private land, environmental concerns, a number of things—whether the land is contiguous or not. We always get embroiled in that, so we move along pretty carefully. Senator Inouye did when he was the chairman, and I have, too. We certainly recognize that most people go through the normal process of the Bureau.

Let me ask you first, Chief Martin, just a couple things about this piece of land, how big it is, and how it got away from you in the first place. Was it done through the Homesteading Acts? Is that how the tribe lost that land? Or how did it become—it's an area within the boundaries of the reservation now, is that correct?

Mr. ROGERS. Mr. Chairman, if I may address that?

The CHAIRMAN. Yes.

Mr. ROGERS. One of the things that makes the Choctaw unique is that they have no exterior reservation boundary. They lost their land in the Removal Acts of 1830 and the treaties, and the tribal members that stayed—while they had the right to acquire some lands, almost all of them were cheated out of it. So they literally were landless. And the Government then bought——

The CHAIRMAN. The Government cheating the Indians? [Laughter.]

Boy, that's a novel idea. [Laughter.]

Mr. ROGERS. It really happened. They were pretty much hiding in the swamps for 100 years, and the Government came in finally in the early 1900's and bought up isolated tracts that were pretty much marginal and worthless for anything else.

The CHAIRMAN. These tracts weren't contiguous, then?

Mr. ROGERS. None of them were contiguous. That's another difficulty here. Their effort, with this trust lands acquisition, is to fill in the checkerboards in the seven recognized communities. This

will go a long way. We have maps, that I believe are provided in the record, that will show this. We're not there yet, but it will dramatically simplify the law enforcement and all that, to get this done. They have worked out really good cooperative relations with the surrounding governments regarding garbage pickup and fire protection and all that stuff. They've worked things out in a very cooperative way.

The CHAIRMAN. How big a piece of land is it?

Mr. ROGERS. Well, we're talking about 69 different tracts with a total of a little over 8,000 acres, spread over seven counties. They are little pieces that are all in the seven recognized communities. So it's not one piece.

The CHAIRMAN. What's on those different pieces of land now?

Mr. ROGERS. Mostly nothing.

The CHAIRMAN. Mostly nothing?

Mr. ROGERS. There are a few abandoned buildings. There is no developed property here that we are acquiring. It's all pastureland. It's $1.25 a year local taxes for undeveloped rural land.

The CHAIRMAN. And the tribe will also get mineral rights or whatever is under the land? That all goes with it?

Mr. ROGERS. I don't know that they acquired all the mineral rights from every piece, but every tract that they did acquire—whatever they acquired, that we're asking to go into trust—I believe they got mineral rights on all of it.

Frankly, there are no minerals there, to be honest with you.

Senator COCHRAN. There aren't any mineral rights in this part of Mississippi that I know of.

The CHAIRMAN. The day will come when somebody will find something under this property that is valuable, and hopefully that will help the tribe.

Let me ask our Assistant Secretary a couple of questions, too.

First of all, if we move forward with this bill—and I personally have no objection to it, by the way—will it set any kind of a precedent that might cloud requests of other tribes that are similar to this? Is it going to make it more complicated for you when other tribes come forth that will be asking for the same thing?

Mr. GOVER. Mr. Chairman, I don't think it will make things more complicated for us. It may make things more complicated for you, in that tribes may choose to approach the committee asking for similar bills. We don't think that actually that is much of a concern, so the answer is no.

The CHAIRMAN. I understand there is a backlog in the Eastern Regional Office's realty office, as you are aware. Does the fact of the unique history of the Choctaw Tribe's land base justify addressing these concerns through a legislative process? Apparently it does, or you wouldn't be supporting it.

Mr. GOVER. That's correct. I think the circumstances of the Choctaws are particularly compelling. They have been enormously patient, frankly, waiting for the BIA to try to deal with some of these parcels, and we just haven't been able to do so. So for that reason alone we are here to support the bill.

The CHAIRMAN. Would taking this land into trust under this bill give the Choctaw Tribe any rights or authority that they wouldn't

possess if the lands were taken into trust under the administrative process?

Mr. GOVER. No.

The CHAIRMAN. It would be the same either way?

Mr. GOVER. It would be the same either way.

The CHAIRMAN. And they wouldn't be denied anything either way, either?

Mr. GOVER. That's correct.

The CHAIRMAN. I thank you.

Senator Inouye, did you have any questions?

Senator INOUYE. I am for the bill. It is long overdue. Let us vote on it.

The CHAIRMAN. Boy, that's simple. [Laughter.]

The CHAIRMAN. Senator Cochran, I think I already know your position——

Senator COCHRAN. I'll just keep quiet here. [Laughter.]

The CHAIRMAN. You're going to keep quiet while you're on a roll. [Laughter.]

Okay. I have no further questions.

I appreciate your taking the time to be here. Philip Martin, you've made a lot of trips to Washington, DC, and I have to say that I think it has paid off for the Choctaw Tribe because many people here are very familiar with your work and your efforts for the tribe, and you certainly recognize the interaction between the Federal Government and the tribe, and I certainly appreciate your being here.

Mr. MARTIN. Thank you very much. As I have done in the past, I invite all of you to come see me.

The CHAIRMAN. You have invited me several times. I haven't gotten there yet, but I'm going to.

Chief Martin. I believe you will be pleasantly surprised and pleased. Thank you.

The CHAIRMAN. I will direct the staff, with Senator Inouye's concurrence, to schedule this as early as we can for markup. We have a very short time this year, as you probably know. We will try to do it by next week if we can; as long as there appears to be no opposition, we will move this as fast as we can.

Thank you for appearing. With that, this committee is adjourned.

[Whereupon, at 3 p.m., the committee was adjourned, to reconvene at the call of the Chair.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

PREPARED STATEMENT OF KEVIN GOVER, ASSISTANT SECRETARY, INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR, WASHINGTON, DC

Good afternoon, Mr. Chairman and members of the committee. I am pleased to offer the administration's views on S. 1967, a bill to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band, and for other purposes. The bill provides that: (1) all lands taken into trust for the Mississippi Band of Choctaw Indians on or after December 23, 1944, shall be part of the tribe's reservation; (2) all fee lands owned by the Band within the State of Mississippi shall now be held in trust for the tribe; and (3) lands made part of the tribe's reservation through Section One shall not be considered part of the tribe's initial reservation pursuant to the Indian Gaming Regulatory Act. The Department supports enactment of S. 1967, with an amendment.

Enactment of S. 1967 will automatically place the lands owned by the Mississippi Band of Choctaw Indians (Band) into trust status and the Band's applications to the Bureau of Indian Affairs (BIA) in compliance with 25 CFR Part 151 will no longer need approval from the BIA's Eastern Regional Office to have the land placed into trust. Further, all land taken into trust after December 23, 1944, will automatically be designated as reservation lands of the Band.

We understand that the State of Mississippi Attorney General's Office has provided a letter of support for S. 1967. The Band has become a showcase of American Indian economic development. Its diversified economic enterprises provide employment opportunities for all inhabitants of east central Mississippi. Their economic strength and impact have been noted and praised by both local and state governments. The economic progress of the Band has been highlighted in many national publications and books.

Although S. 1967, would bring, these lands into trust status outside the regulatory framework of 25 CFR, we recommend its enactment because of the unusual situation that it would cure. The lands affected by enactment of S. 1967 encompass over 80 parcels in 7 counties and equal approximately 8,700 acres. The Eastern Regional Office reports that under ideal conditions it would take over a year to process all of the Band's identified parcels, given the regulatory requirements. We can report that work on several parcels is approaching completion. However, if this process moves at the current pace, the economic plans of the Band would come to a standstill. Since enactment of S. 1967 will consolidate some of the Band's land base and make future economic development possible, we believe that enactment of S. 1967 is an economic necessity for the Band. By enacting S. 1967, we can ensure that the Mississippi Band of Choctaws will continue to progress in their achievements in tribal self-determination.

Our concern with S. 1967 is with the potential environmental conditions on the parcels to be taken into trust. As a matter of policy, the Secretary will not take contaminated lands into trust. The Department would prefer that the legislation contain an amendment requiring that the lands to be taken into trust do not contain

environmental hazards as defined by the Federal environmental laws. In the alternative, we have sent an inquiry to the Band requesting an environmental review of the subject parcels. Should this request assure the Department that environmental standards are met, we would not seek an amendment.

In closing, I would add that we are aware that other tribes may seek to use this bill, if enacted, as a model to bypass the established regulatory process. However, we believe that S. 1967 should be viewed as a rare exception because of the unique situation and current pressing needs of the Mississippi Band of Choctaw.

This concludes my written testimony. I will be happy to answer any questions you may have.

ORIGINAL

TESTIMONY OF CHIEF PHILLIP MARTIN
CHIEF OF THE MISSISSIPPI BAND OF CHOCTAW INDIANS
BEFORE THE COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

March 29, 2000

Chairman Campbell, Vice Chairman Inouye, and Members of the Committee, my name is Phillip Martin, elected Chief of the Mississippi Band of Choctaw Indians ("Tribe"), a Federally recognized tribe of 8,400 members with a small reservation of 29,000 scattered acres in seven communities in East Central Mississippi. I am honored to appear before the Committee to present the Tribe's views on S. 1967, a bill to make technical corrections to the status of certain lands held in trust for the Tribe and to take certain fee lands into trust for the Tribe.

Before I begin to present the Tribe's views on the legislation, I want to thank Senator Thad Cochran and his staff for their understanding and assistance with this bill as well as Chairman Campbell and the Committee staff and Majority Leader Lott for their support.

This bill is critical to the Mississippi Band of Choctaw Indians' ability to develop business enterprises to fund tribal government programs needed for a rapidly growing population (3.8% in 1998); assist in consolidating an extremely fractionated reservation land situation; and to provide the Tribe with additional trust lands for the construction of housing, schools and out-reach health centers for our members in the seven communities.

History of Mississippi Band of Choctaw Indians Land Acquisitions

When Mississippi became a State on December 10, 1817, the Choctaws still retained

Federally recognized claims to over three-fourths of the land within the State's boundaries. The pressure to make these lands not obtained in previous treaties available to non-Indians was so great the State passed a series of laws abolishing the Choctaw government, even though it had no authority to do so. The Federal Government under President Andrew Jackson, pursuing a policy of Indian removal from lands east of the Mississippi River, pressured the Tribe into ceding the last of its lands in the Treaty of Dancing Rabbit Creek in 1830.

This Treaty ultimately resulted in the migration of about two-thirds of the Choctaw Tribe to the Oklahoma Territory over the next fifty years. Provisions were made in the treaty, however, for Choctaws who wished to stay in Mississippi to be issued allotments of 640 acres. Through Federal Government incompetence, corruption and outright theft by unscrupulous land speculators, those who stayed soon lost all their land and became sharecroppers, living a precarious subsistence existence.

While the removal of the Choctaw to Oklahoma remained the primary goal of Federal policy in the mid-to-late 1800s, Washington later recognized the desperate conditions of the Mississippi Choctaws in 1916 when the appropriations for the Bureau of Indian Affairs that year included $1,000 for the Secretary of the Interior to "investigate the conditions of the Indians living in Mississippi." After a hearing on the issue, a general appropriation in 1918 included funds for the establishment of an agency with a physician, for the maintenance of schools, and for the purchase of land and equipment. Lands purchased through these appropriations were to

be sold on contract to individual tribal members.

In the 1930s Federal Indian policy shifted back toward preservation of Indian communities and tribal lands reflected in the Indian Reorganization Act of 1934 (IRA). By this time, it was evident that the original method of land purchase authorized in 1918 was inconsistent with the new Federal policy and of marginal benefit to the Mississippi Choctaws. In 1939, Congress passed an Act directing title to all lands purchased for the Mississippi Choctaws would be held "in the United States in trust for such Choctaw Indians of one-half or more Indian blood, resident in Mississippi, as shall be designated by the Secretary of the Interior." (53 Stat. 851). In December, 1944, the Assistant Secretary of the Interior officially proclaimed all the lands then purchased in aid of the Choctaws in Mississippi – just more than 15,000 acres – to constitute the Mississippi Choctaw Indian reservation (9 Fed. Reg. 14907). In April, 1945, the Mississippi Band of Choctaw Indians adopted a constitution and bylaws under the IRA re-establishing its Federal recognition as a tribe and government (U.S. v. John, 437 U.S. 634 (1978).

U.S. v. John, supra finally and favorably resolved almost a decade of litigation the 1970s over the Tribe's legal status and the Indian Country status of our lands [U.S. v. State Tax Comm'n of the State of Mississippi, 505 F.2d 633 (5th Cir. 1974), rehearing denied, 535 F. 2d 300, aff'd on rehearing en banc, 541 F. 2d 469 (1976); Tubby v. State, 327 So. 2d. 272 (Miss. 1976); John v. State, 347 So. 2d 959 (Miss. 1977); United States v. John, 560 F. 2d 1202 (5th Cir.

1977), reversed, 437 U.S. 634 (1978).].

Resolving those issues opened the door to our later economic progress and our improved relations with the State of Mississippi. Our State-Tribe relations are now guided by the spirit of cooperation and mutual respect rather than confrontation.

Despite this progress, we are still left with a fragmented, checkerboard land base spread over several counties, but largely concentrated in the seven recognized Choctaw communities referenced in our Constitution. We are working diligently to consolidate and fill-in the checkerboard areas within each of those communities. In doing so, we will simplify jurisdictional and development issues for the Tribe and for the State.

Many of these difficulties result from simple confusion. Confusion stemming from our Tribe's unique history, its fragmented land situation, its mix of formal and informal reservation and trust lands (with no single exterior reservation boundaries), the evolving U.S. Supreme Court case law on what constitutes Indian Country, and our long stalled fee to trust land transfers. These circumstances have given rise to delayed development and construction of needed government and commercial facilities on our lands.

All of our trust lands have the same legal and jurisdictional status as "Indian Country" under the controlling statutes and U.S. Supreme Court rulings. 18 U.S.C. Sec. 1151, construed

in, State of Alaska v. Native Village of Venetie, 522 U.S. 520 (1998); Oklahoma Tax Comm'n v. Citizen Band of Potawatomi Tribe of Okla., 498 U.S. 505 (1991); United States v. John, supra.

However, the use of different terms in these cases – trust lands, formal reservation lands, informal reservation lands, dependent Indian communities, Indian Country – to refer to lands which all have the same jurisdictional status breeds confusion and uncertainty.

Business doesn't like confusion and uncertainty. One of the purposes of this legislation is to put all of our Tribe's lands under the same label as formal Indian reservation lands, and eliminate any basis for confusion over these different words.

This legislation follows the same approach used by the Congress in 1939 – when all fee lands theretofore purchased for our Tribe were placed into trust by statute (53 Stat. 851); and, by the Secretary of the Interior in 1944 when all the lands placed into trust by the 1939 Act or acquired pursuant to IRA were all declared to constitute the Choctaw Indian Reservation. U.S. v. John, supra. Now, over half a century later, it is time for Congress to again address our lands and place them all into formal Indian reservation status.

Achieving this will improve our ability to do what we do best – turning marginal economic opportunities into large economic successes.

Choctaw Economic Development and Tribal Governmental Services

I have testified at a number of forums recently, that economic success for tribes is based upon three pillars: (1) a tribal land base under tribal government control and in trust status; (2) a stable tribal government; and (3) the sovereignty and institutional structure to make calculated business decisions. Like a three-legged stool, if one of these elements is missing the stool will fall and economic development is unlikely.

Over the last 15 years, the Tribe has followed this model to develop a reservation economy. Since the 1970s, the Tribe has decreased unemployment from over 75% to 4%; increased per capita income 346%; and provided 6600 jobs (over 3,600 of which are filled by non-Indians in the surrounding communities). Today, the Tribe carries a payroll of over $100 million and manages 12 enterprises with over $300 million in annual sales.

The Tribe's positive economic contributions to the State of Mississippi, based upon its use of its trust lands, are clearly documented. Mississippi Attorney General Mike Moore in his November 29, 1999, letter of support to the Committee regarding this legislation stated "The Tribe continues to make substantial and positive contributions to the State of Mississippi, and we encourage you to help them continue these achievements." A 1999 study performed by the Goodman Group and Mississippi State University detailed the Tribe's economic impact on the local communities and the state. The report documents the positive effects the Tribe's business enterprises have had on Neshoba County and the surrounding areas. I have attached a summary

of the study for the Committee's review and the hearing record. **Attachment 1**.

Lands acquired by the Tribe and placed into trust have played an essential role in the Tribe's efforts to attain economic achievement and a level of self-sufficiency. In order for the Tribe to expand its enterprises to meet the growing needs of all our members, we must be able to have additional lands taken into trust. More importantly, having additional trust land available will also enable the Tribe to move forward with its plans to provide governmental services to its members through the construction of much needed housing, health service facilities and the replacement of dilapidate schools.

As Senator Cochran clearly stated in his introductory remarks on S. 1967, the Tribe has worked diligently with the Bureau of Indian Affairs for the past 20 years through the regular Department of Interior trust land acquisition process to transfer numerous fee lands to trust status. Unfortunately, the fee-to-trust process has failed to keep up with the Tribe's development plans, creating an enormous backlog of requests by the Tribe at the Bureau's Eastern Regional Office. Over this time period, the Tribe had been told countless times that their applications had been lost or that action would occur soon.

These delays have come at a significant cost to the Tribes in lost economic development opportunities and the ability to provide improved services and living conditions to our members. The severe backlog is causing undue hardship to the Tribe. Thus, the Tribe believed it necessary

to seek these routine transfers by the Congress.

The Tribe currently has the 76 active requests totaling 8,511 acres for processing its backlog of land purchases or Federal excess property into trust before the BIA. Some of these requests date back two decades. S. 1967 would place into trust for the benefit of the Tribe the lands located within the State of Mississippi and identified in the updated list ("Updated List of Mississippi Band of Choctaw Indians Fee Land to Trust") submitted to the Choctaw Agency on February 7, 2000. **Attachment 2**. Enactment of the legislation will eliminate the current backlog and enable the Tribe to move forward with its development strategy.

The conversion of the backlog of the Tribe's fee land purchases to trust land will also allow it to consolidate the highly fragmented trust parcels into units of sufficient size to develop economically, to build housing developments, replace dilapidated schools, construct out-reach health clinics and to preserve land for traditional uses. The maps attached provide a visual example of the current fractionated and unique structure of the Mississippi Band of Choctaw Indians tribal trust lands. **Attachment 3**.

The Tribe believes that the primary reason for this complete failure of the BIA's fee to trust process is its lack of resources. Nowhere is this funding shortfall more noticeable than in the funding of BIA realty offices. Recently, officials in the Eastern Regional Office have straightforwardly informed me and my staff that a heavy realty workload and backlog of

trust applications combined with understaffing and the competing interests of the other 25 tribes the office serves makes the swift processing of our fee-to-trust applications (those that are backlogged and future applications) impossible. Due to this situation, the Tribe's only alternative was to turn to the Congress for assistance. S. 1967 will solve this problem of a backlog that, left unaddressed, will never be eliminated by the BIA.

This past year, the BIA and the Tribe agreed to "fast-track" four parcels of land that were obstructing the Tribe's ability to move its shopping center. The fast tracking of the parcels was a good-faith effort by the Bureau to expedite the fee-to-trust transfers so development on these lands were not stifled by further delays. There were no environmental or title issues with these four properties. Today, 13 months later, the parcels are still not in trust, although they are close to it. The Tribe's economic plans remain at a standstill while this process sluggishly moves along. During this one and a half year period, the Tribe purchased five more properties to be taken into trust, adding to the backlog.

I want to commend the Eastern Regional Office staff for their diligence during this effort. They continue to work very hard with my staff on all our trust applications and other matters. Franklin Keel, Eastern Regional Director, and Ron Walker, Regional Realty Officer, are in the extremely difficult position of working within a framework and process that is broken and unable to keep pace with the Tribe's needs. S. 1967 will in the short-term eradicate the bulk of the Tribe's fee-to-trust applications and lighten the Eastern Regional Office's realty workload.

The Tribe is concerned about how the Bureau intends to process our future fee-to-trust applications in a timely manner which does not hinder the Tribe's development plans. The Tribe would like to work closely with the Committee and the Bureau to develop a constructive and mutually acceptable solution to remedy the current fee-to-trust process. Although the Tribe fully recognizing that fee-to-trust land acquisition is a trust obligation of the Federal Government, the Tribe, with its strong interest in timely completion of the process, may be willing to provide technical assistance in an mutually agreed upon manner.

Environmental Status of Choctaw Fee Lands to be Taken into Trust

The Eastern Regional Office informed the Tribe that as a matter of policy the Department of Interior will not take land into trust that does not meet certain environmental specifications. In order to meet the Department's environmental threshold, the Tribe, at a cost of over $70,000, contracted to have the Level I environmental surveys completed on all 76 properties to be taken into trust. What has not been done by the BIA in 15 years was completed in three weeks by the Tribe. All the properties were classified in good condition, with no major pollution or contaminate problems identified beyond already identified and manageable ones regarding possible asbestos in the old BIA school buildings in the Standing Pine and Tucker communities.

Indian Gaming Regulatory Act

Section 1(3) and Section 1(3)(b) of the legislation ensures that the application of or the

requirements of the Indian Gaming Regulatory Act (IGRA) are strictly adhered and that nothing in the Act shall be construed to relieve or alter the IGRA for any lands held by or for the Mississippi Band of Choctaw Indians.

Conclusion

In summary, the passage of S. 1967 is of vital importance to the future of the Mississippi Band of Choctaw Indians. The bill's provisions address key issues that currently obstruct economic development for the Tribe and places into trust lands that are critical for housing, health facilities and schools. The measure also eliminates the backlog of applications that have been languishing at the Bureau for two decades and clarifies the status of the Tribe's lands. Enactment of the legislation will enable the Tribe to continue its current pace of economic development, to the joint benefit of tribal members and non-tribal residents of the State of Mississippi.

I urge all Members to support this bill. This concludes my testimony, and I will be pleased to answer any questions you may have.

The Economic Impact of the Mississippi Band of Choctaw Indians and Their Affiliated Enterprises on The State of Mississippi

Presented to The Mississippi Band of Choctaw Indians

Principal Contractor: Center for Community and Economic Development, The University of Southern Mississippi

Principal Subcontractor: The Goodman Group, Inc.

June 15, 1999

INTRODUCTION

This economic impact study was commissioned by the Mississippi Band of Choctaw Indians. The impetus for this study is the general perception by the public that the reservation is a consumer of public wealth and gives nothing back to the general public.

The Mississippi Band of Choctaws contracted with the Center for Community and Economic Development at The University of Southern Mississippi to prepare an economic impact study of the reservation's economic activities. USM subcontracted coordination of this study to the Goodman Group, Inc., a Mississippi-based economic consulting company. Much of the field work was accomplished by interns in USM's Masters of Economic Development program, under the coordination of Dr. Ron Swager. Mark Folden was the lead intern on the project. The proceeding study and analysis is the culmination of that endeavor.

We want to thank the Mississippi Band of Choctaws for the opportunity to develop this impact analysis. We also want to thank Chief Philip Martin and his economic development department staff, Mr. John Hendrix and Mr. Randy Spears for their assistance in completing this study.

It became clear early in this study that the Mississippi Band of Choctaws is a major economic force within the state of Mississippi. The further we delved into the data the more clearly several factors stood out.

First and foremost, the overall leadership has done a superb job. This is particularly evident in the continuity of activities. This is not the case with reservations in general.

Secondly, the reservation leadership focused on economic issues and was not derailed by politics. This manifested itself through the quality of section and department leadership, a clear benefit in a study such as this.

On behalf of the USM Center for Community and Economic Development and the Goodman Group Inc., it has been our pleasure to work with the Mississippi Band of Choctaws on this project.

Robert Ingram
Executive Director Of Economic Development
USM

Dr. Lowell Goodman
The Goodman Group, Inc.

Dr. Ronald Swager
Department of Economic Development
USM

PURPOSE OF THIS STUDY

There is a general perception by the public at large that trust lands and their inhabitants simply reach out for public assistance and return nothing to the public at large.

This study was commissioned to analyze the benefits and impact the Mississippi Band of Choctaw Indians' reservation has on the surrounding region and the state of Mississippi.

Over the past twenty years, the Mississippi Band of Choctaw Indians has become a significant economic engine. Education and infrastructure were the emphasis in the 1970s and 1980s. Jobs and economic growth were the focus in the 1980s and 1990s. With the prevailing perception and the tremendous growth that has taken place, the tribal leadership felt it was important to show how the Choctaws benefit the region and the state. Through employment, construction, purchases and other spending, the tribe causes state taxes to be paid through income taxes, sales taxes, car tags, gas tax and a host of retail expenditures, resulting in an impact which is felt throughout the state. Tribal leaders therefore contacted USM Center for Community and Economic Development to develop an economic impact study of the Mississippi Band of Choctaw Indians.

This publication is the result of that effort.

THE APPROACH

Our task in this study is to quantify the economic activity, both regionally and statewide, generated by the existence of the reservation. The approach we have taken is to track jobs and purchases resulting from activity on the reservation. These two broad categories are the activities that directly impact the outside. From these direct activities the indirect impact is developed.

The exchange of money and the purchase of goods and services create state income tax, retail sales, rent, sales tax, gasoline tax, and of course additional jobs.

We will compare these findings with economic impact models developed by the U. S. Chamber of Commerce and the multipliers developed for the state of Mississippi.

Our principal goal is to measure the visible impact including active jobs and purchases off the reservation and the economic activity generated as a result.

THE MISSISSIPPI BAND OF CHOCTAWS

The Choctaws in Mississippi have a land scheme different from western tribes. Nearly all western tribes have relatively large contiguous tracts, whereas the Choctaws have several small tracts. To compensate for this inconvenience, the tribe has been following a "growth point" plan for development.

The governmental and largest of these dispersed parcels, Pearl River, is the principal point of growth and development. The outlying parcels are housing communities. Consequently, commuting is a way of life.

The communities of the Choctaws are Pearl River, Redwater, Standing Pine, Bogue Chitto, Tucker, Conehatta, Bogue Homa and Crystal Ridge.

The Choctaw reservation, principally in East Central Mississippi, includes portions of Neshoba, Attala, Jackson, Jones, Kemper, Leake, Newton, Scott and Winston counties.

Eight communities and additional land encompass more than 25,000 acres with a population of more than 8,300, all of whom have a minimum of 50 percent Choctaw blood quantum. Tribal headquarters are located in the Pearl River Community[2]

[2] Choctaw-Mississippi Band of Choctaw Indians Demographics 1997

The following two charts show the progress the tribe has made over the past 10 to 15 years. Both employment and income have grown. 1998 shows 2,003 native Choctaws employed full time.

Employment Status of Adults by Community: 1997 Census										
	Employed		Seeking Work		Homemaker		Student		On Welfare	
Community	Freq	Perc	Freq	Perc	Freq	Perc	Freq	Perc	Freq	Perc
Bogue Chitto	295	48.0	109	17.8	146	23.9	69	11.2	15	2.4
Bogue Homa	54	41.9	24	18.9	52	40.9	28	21.9	16	12.4
Conehatta	283	50.9	82	14.6	181	32.1	103	18.2	9	1.6
Crystal Ridge	47	47.0	21	21.0	42	42.9	9	9.1	11	11.0
Pearl River	765	60.6	207	17.6	252	21.6	227	19.3	49	4.2
Red Water	191	55.9	65	19.0	83	24.6	48	14.1	3	0.9
Standing Pine	165	63.2	25	9.6	82	27.3	35	13.2	6	2.3
Tucker	209	58.9	43	12.0	89	24.9	60	16.7	9	2.5
TOTALS	1960	55.3	576	16.3	917	26.0	579	16.3	118	3.6

Source: Tribal Census 1997

The following chart shows the progress the tribe has made over the past 11 years.

Income by Household: 1986, 1990 and 1997						
Income Level	1986		1990		1997	
	Number	Percent	Number	Percent	Number	Percent
Under $3000	110	13.1	170	19.0	79	5.3
$3000-$7999	215	25.5	195	21.8	151	10.1
$8000-$14,999	271	32.2	273	30.6	248	16.6
$15,000-$24,999	158	18.8	176	19.7	424	28.4
$25,000-$40,000	77	9.1	62	6.9	368	24.7
Over $40,000	13	1.4	16	1.8	221	14.8
TOTALS	844	100.1	892	99.8	1491	99.9

Sources: Tribal Census 1997

By 1998 there were over 5,800 employees working on the reservation. Good medical facilities are also available at Pearl River. There is a hospital, clinic and senior's home in the complex. The senior's retirement facility is for both native and non-Indian. There is presently a waiting list of about a year. The greatest economic event was the completion of the Silver Star Casino and Resort Hotel. This development employs 2,200 and generates large amounts of cash for the reservation.

Today the Mississippi Band of Choctaw Indians encompasses 25,000 acres of land and is home to 8,300 people.

ECONOMIC DEVELOPMENT

The Mississippi Band of Choctaw Indians has experienced rapid economic growth during the last 15 years. Lacking in natural resources, the tribe created an industrial economy in 1979. The completion of the first phase is a 80-acre industrial park.

The success of tribal economic enterprises has led to a decrease in unemployment from 75 percent to four percent in 1998. From 1981 to 1997, per capita income increased 346 percent. Since then, the tribe has added several successful new ventures, contributing to continued economic growth.

The following manufacturing, retail and commercial services are in operation:

- Choctaw Development Enterprise Construction, Pearl River, est. 1969
- Chahta Enterprise, Automotive, wiring harnesses, Pearl River, DeKalb, Conehatta, est. 1979, 196,800 sq. ft.
- American Greetings, Hand-finished greeting cards, Pearl River, est. 1981, 120,000 sq. ft.

- Choctaw Electronics Enterprise, Automotive speakers, Pearl River, est. 1985, 61,000 sq. ft.
- Choctaw Manufacturing Enterprise, Wiring harnesses, printed circuit boards, Red Water, est. 1986, 85,000 sq. ft.
- Choctaw Residential Center, 120-bed nursing home, Pearl River, est. 1988, 42,000 sq. ft.
- Choctaw Shopping Center, Retail center, Pearl River, est. 1988, 65,000 sq. ft.
- First American Printing & Direct Mail, Commercial printing, direct mail, inquiry fulfillment, Ocean Springs, est. 1990, 74,000 sq. ft.
- Choctaw Construction Enterprise, Construction, Pearl River, est. 1993
- First American Plastic Molding Enterprise, Plastic injection molding, Ocean Springs, est. 1994, 22,000 sq. ft.
- Silver Star Resort & Casino, Casino and 509-room hotel, Philadelphia, est. 1994, 515,000 sq. ft.
- Dancing Rabbit Golf Club, 36-hole championship golf course, Pearl River, est. 1996 and expanded in 1999.

These businesses and industrial enterprises employ more than 5,800 people. The industrial, service and governmental sectors combine to place the tribe among the 10 largest employers in the state of Mississippi.

ASSUMPTIONS

Discretionary Income: This is spendable income and in the State of Mississippi it calculates to be 41% of total wages.

Mississippi Income Withholding is estimated to average $600.27 per employee. (Note that Tribal members living on the Reservation do not pay State Income Tax, and are not included in this figure).

Property taxes are estimated to average $480 per household.

MULTIPLIERS

Three approaches were utilized

1. State of Mississippi
2. U.S. Chamber of Commerce
3. U.S. Chamber Technique of 1 job for every $100,000 spent. This is added to the total employment.

The multiplier used here was computed to be 2.03 for each FT employee on the reservation, 1.03 people are employed elsewhere as a result.

Executive Summary

Direct Impact

The Mississippi Band of Choctaw Indians and their affiliated enterprises employ **5822** people who are paid **$100,941,052** in wages throughout the State of Mississippi. Of these employees, 2637 are Indian, 3578 are non-Indian, 2338 live on the reservation, and 3877 live off the reservation. These employees are distributed across 42 counties throughout the State of Mississippi.

It is estimated that the following tax revenues are generated by employment by MBCI and its affiliated enterprises:

- **$2,328,800** in State Income Tax.
- **$3,035,681** in sales tax, of which **$622,314** returns to the community in which the transaction took place.
- **$2,796,680** in property taxes
- **$466,160** in car tag fees
- The payment of **$512,901** in motor fuel taxes through commuting 62,688,000 miles annually consuming 2,849,450 gallons of gasoline. This commuting pattern is the equivalent to circumnavigating the earth 10.03 times every working day.

These employees also generate **$8,347,680** in rent payments annually. Additionally, the MBCI and their affiliated enterprises purchase **$95,251,973** in goods and services throughout 66 counties in the State of Mississippi. These expenditures generate additional demand for goods and services in the economy that would otherwise not exist.

Indirect Impact

Using multiplier data from the U.S. Chamber of Commerce, the Western Regional Economic Council, and the Bureau of Economic Analysis, the overall multiplier for MBCI and its affiliated enterprises is **2.03**. In other words, for each employee for MBCI and its affiliated enterprises there are 1.03 jobs created in the economy. Using this multiplier and U.S. Chamber of Commerce statistics stating that for every $100,000 spent, one job is created and that 41% of an employee's income is discretionary, the indirect jobs can be calculated:

	Indirect Jobs			Indirect Wages		Spendable $
5822 * 1.03 =	5997	*	$11,400 =	$68,365,800	*.41 =	$28,029,978
$28,029,978/$100,000 =	280	*	$11,400 =	$3,192,000	*.41 =	$1,308,720
$1,308,720/$100,000 =	13	*	$11,400 =	$148,200	*.41 =	$61,170
Total	**6290**			**$71,706,000**		**$29,399,868**

It is estimated that the following tax revenues are generated by indirect employment resulting from MBCI and its affiliated enterprises:

- **$2,516,000** in State Income Tax.
- **$2,057,990** in sales tax, of which **$421,888** returns to the community in which the transaction took place.
- **$3,019,200** in property tax.
- **$503,200** in car tag fees.
- **$257,318** in motor fuel tax.

These indirect employees also generate approximately **$754,800** in rent payments annually.

Total Impact

Total direct and indirect impact of the Mississippi Band of Choctaw Indians and their affiliated enterprises is estimated as follows:

- **12,112** jobs
- **$172,647,000** in wages paid
- **$9,102,480** in rent paid.
- **$4,844,800** in State Income Tax
- **$5,093,671** in sales tax, of which **$1,044,202** returns to the communities in which the transaction took place.
- **$5,815,880** in property taxes
- **$969,360** in car tag fees.
- **$770,219** in motor fuel taxes.

The total impact can be further broken down to indicate what each person employed by MBCI and its affiliated enterprises is responsible for generating in the general economy and in tax revenues in the State of Mississippi.

- **$1,563** in rent payments.
- **$832** in State Inocme Tax paid.
- **$875** in sales tax, **$179** of which returns to the community in which the transaction took place.

- **$999** in property taxes to counties.
- **$166** in car tag fees.
- **$132** in motor fuel taxes.
- **$29,476 in retail sales and purchases by MBCI and affiliated enterprises** per employee.

Statistical Breakdown of Retail Sales Created by Employees of MBCI and Their Affiliated Enterprises

Retailer	% of Spendable Income	$ Spent	$Spent/5822 Employees
Food	18.00%	$13,115,059	$ 2,252.67
Auto Accessories	20.00%	$14,572,288	$ 2,502.97
General Retail	10.20%	$ 7,431,867	$ 1,276.51
Department Stores	8.50%	$ 6,193,222	$ 1,063.76
Eating and Drinking	8.50%	$ 6,193,222	$ 1,063.76
Gas	7.00%	$ 5,100,301	$ 876.04
Furniture	5.00%	$ 3,643,072	$ 625.74
Clothing	5.00%	$ 3,643,072	$ 625.74
Lumber & Hardware	9.00%	$ 6,557,530	$ 1,126.34
Drug Stores	2.80%	$ 2,040,120	$ 350.42
Liquor	2.00%	$ 1,457,229	$ 250.30
Variety	2.00%	$ 1,457,229	$ 250.30
		$ 72,861,439	$ 12,514.85

Source: Extrapolated from the U.S. Census

Appendicies

The remainder of this report are tables and maps showing the contribution of MBCI and its affiliated enterprises to the direct impacts shown in the findings of this study followed by a summary of the direct impacts to each county.

In the maps, concentrations of employment with MBCI and affiliated enterprises (blue) and purchases made by MBCI and affiliated enterprises (green) are as follows:

Dark Solid: Over 50%
Medium Solid: Between 10% and 49.99%
Light Solid: Between 1% and 9.99%
Striped: Less than 1%

Attachment 2

MISSISSIPPI BAND OF CHOCTAW INDIANS

TRIBAL OFFICE BUILDING
P. O. BOX 6010
PHILADELPHIA, MISSISSIPPI 39350
TELEPHONE (601) 656-5251

MEMORANDUM

TO: Ray Thomas
Superintendent, Choctaw Agency

FROM: Phillip Martin
Chief

SUBJECT: Updated List of Mississippi Band of Choctaw Indians Fee Land to Trust Submitted to Choctaw Agency

DATE: February 7, 2000

By this Memorandum I am updating the list of fee land to trust submitted to Choctaw Agency on September 28, 1999. Please replace the list submitted on September 28, 1999, (attached) with this update.

Phillip Martin, Chief

FORMER OWNERS	NUMBER OF ACRES	DATE SENT TO EAO	COMMUNITY	COUNTY	REMARKS:
ALLEN, TIM	1251.5	7/8/99	PEARL RIVER	NESHOBA	
ALLEN, TIM	160	12/29/99	BOGUE CHITTO	NESHOBA	
ALLEN, TIM	1131	12/29/99	BOGUE CHITTO	KEMPER	
ALLEN, TIM	120	12/29/99	BOGUE CHITTO	WINSTON	
ALLEN, TIM	235	12/29/99	BOGUE CHITTO	NESHOBA	
ALLEN, TIM	30	12/29/99	NANIH WAIYA AREA	WINSTON	
ALLEN, TIM	90.3	1/29/99	CONEHATTA	NEWTON	
ALLEN, TIM	944	7/8/99	BOGUE CHITTO	KEMPER	
B & G WOOD PRODUCTS	173		BOGUE CHITTO	KEMPER	
BARRETT	8.84	10/1/94	PEARL RIVER	NESHOBA	GOVT. SCHOOL LANDS
BATES	15	2/7/97	BOGUE CHITTO	NESHOBA	GOVT. SCHOOL LANDS
BATES & GRANTHAM FARMS	530		RED WATER	LEAKE & ATTALA	
BILLY, FRANK	40	11/13/96	STANDING PINE	LEAKE	
BOYDSTON	119		PEARL RIVER	NESHOBA	
BRIGGS, EDDIE	35	2/4/00	PEARL RIVER	NESHOBA	
BURRAGE, OLEN JR.	177	8/16/99	PEARL RIVER	NESHOBA	
BYARS, DAVID & NEDA	36	11/12/97	PEARL RIVER	NESHOBA	
~~CARROLL~~	~~70.89~~	~~9/1/96~~	~~TENNESSEE~~	~~LAUDERDALE~~	
~~CARROLL~~	~~88.15~~	~~9/1/96~~	~~TENNESSEE~~	~~LAUDERDALE~~	
CATHOLIC DIOCESE	7.7	2/7/97	TUCKER	NESHOBA	GOVT. SCHOOL LANDS
CHATA TO MIKCI	80	11/13/96	STANDING PINE	LEAKE	
DUNGAN, W.W.	199	11/12/97	BOGUE CHITTO	NESHOBA	
EDWARDS, DAVID	74.85	9/14/98	BOGUE CHITTO	NESHOBA	
FERGUSON, BOB	0.25	11/1/96	PEARL RIVER	NESHOBA	
GARDNER, CLYDE	0.825		PHILADELPHIA	NESHOBA	
GATES, MARK & LARRY	10.5		RED WATER	LEAKE	
GIBSON, JIMMY	16.56	1/13/99	PEARL RIVER	NESHOBA	
GOLDMAN	14	11/1/96	PEARL RIVER	NESHOBA	
GRAHAM	5	11/1/96	PEARL RIVER	NESHOBA	
GRAY, EARL	94	12/29/99	BOGUE CHITTO	NESHOBA	
GRIFFIN	65	10/1/94	PEARL RIVER	NESHOBA	GOVT. SCHOOL LANDS
GWARTNEY/MARTIN	1	11/1/96	PHILADELPHIA	NESHOBA	
HALL, ANDERSON	209	1/29/99	BOGUE CHITTO	NESHOBA	
HANDCOCK, JOHN	40		PEARL RIVER	NESHOBA	
HARALSON, BILLY E	40	1/7/00	CONEHATTA	NEWTON	
HENRY, FRANK & ANNIE	3.1	1/13/99	PEARL RIVER	NESHOBA	
HOLLOWAY/MALCOLM	4.5	12/29/99	RED WATER	LEAKE	
INTERSTATE GEO. CO.	466.8		BOGUE CHITTO	NESHOBA & KEMPER	
JENKINS, RONALD	51.87		STANDING PINE	LEAKE	
JONES, MACK & SUE	129.52	1/29/99	PEARL RIVER	NESHOBA	
JONES, SHELBA	250		BOGUE CHITTO	KEMPER	
KITTRELL, LARRY & DONNA	69		PEARL RIVER	NESHOBA	
LANGFORD	10.78	2/7/97	CONEHATTA	NEWTON	GOVT. SCHOOL LANDS
LANGFORD, MYERL	127.9	11/12/97	CONEHATTA	NEWTON	
LEAKE CO. INDUSTRL	3.46	11/15/96	RED WATER	LEAKE	
LEAKE CO. INDUSTRL	10.36	7/28/99	RED WATER	LEAKE	
LOCKHART	10	11/1/96	PEARL RIVER	NESHOBA	
LONG	4.7	9/10/98	RED WATER	LEAKE	
MARTIN, FRED	2.43	11/22/96	PEARL RIVER	NESHOBA	
MAYO	5	11/1/96	PEARL RIVER	NESHOBA	
MIKCI	3	2/7/97	BOGUE CHITTO	NESHOBA	GOVT. SCHOOL LANDS
McDILL, GARY	80	6/2/99	CONEHATTA	NEWTON	
McNEIL, JERRY	3.55		PEARL RIVER	NESHOBA	
McNEIL, JERRY	3.71		PEARL RIVER	NESHOBA	
MULHOLLAND	11.87	9/10/98	RED WATER	LEAKE	
NATIONWIDE MORTAGE	86.51		STANDING PINE	LEAKE	
RISHER, SIDNEY & SUSAN	110	11/22/96	PEARL RIVER	NESHOBA	
SAVELL, LARRY	115	7/20/99	TUCKER	NESHOBA	
STRINGFELLOW	37	11/22/96	CRYSTAL RIDGE	WINSTON	
SULLIVAN, SONYUNA	3.94	1/13/99	PEARL RIVER	NESHOBA	
THOMPSON	117.59	1/29/99	PEARL RIVER	NESHOBA	
TINGLE, J.V.	1	1/29/99	PEARL RIVER	NESHOBA	
TINGLE, LOUIS	105.88	11/15/96	PEARL RIVER	NESHOBA	
TINGLE, OREN	133	12/29/99	PEARL RIVER	NESHOBA	
TINGLE, ROBERT	91	11/15/96	PEARL RIVER	NESHOBA	
WALLACE	20	2/7/97	RED WATER	LEAKE	GOVT. SCHOOL LANDS
WALLACE, RICHARD	4	4/21/99		NOXUBEE	
WHITE ESTATE (HAYES)	162.25		PEARL RIVER	NESHOBA	
WHITE, JAMES ALLEN	48.55		PEARL RIVER	NESHOBA	
WHITE, LAVERN	28		PEARL RIVER	NESHOBA	
WHITTEN, GEORGE	92.05		STANDING PINE	LEAKE	
WILLIS, GLENDALE	7	1/29/99	BOGUE CHITTO	NESHOBA	
WRIGHT	51.54	9/10/98	RED WATER	LEAKE	
YORK	30	10/1/94	STANDING PINE	LEAKE	GOVT. SCHOOL LANDS
HENDERSON-MOLPUS	25	2/7/97	PHILADELPHIA	NESHOBA	CHOCTAW AGENCY
DEES	5	2/7/97	PHILADELPHIA	NESHOBA	CHOCTAW AGENCY
TOTAL ACRES	~~6,879.19~~ 8,531.06				

Prepared by PHYLLISS J. FLINT 2/9/00

STATE OF MISSISSIPPI
COUNTY OF NESHOBA
CHOCTAW INDIAN RESERVATION

AFFIDAVIT OF DELIVERY

Personally appeared before me, the undersigned authority, in and for the jurisdiction aforesaid, the undersigned Deyondria J. Williams, who, after being duly sworn by me states on her oath that on the 28th day of September, 1999, she personally hand delivered to the Bureau of Indian Affairs, Choctaw Agency in Philadelphia, Mississippi the attached **MISSISSIPPI BAND OF CHOCTAW INDIANS FEE LAND TO TRUST SUBMITTED TO CHOCTAW AGENCY** consisting of 3 pages numbered 1 through 3 consecutively and that she requested and received the attached receipt for same and that she personally witnessed the signature of the receiving party.

Affidavit further states that she is an employee of the office of the Tribal Attorney General, is above the age of 18 years and she is under no legal disability which would impair or prohibit the making of this affidavit.

Further affidavit saith not.

Deyondria J. Williams
Deyondria J. Williams

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 28TH DAY OF SEPTEMBER, 1999.

KAREN H. BEN NOTARY PUBLIC NESHOBA COUNTY, MS

Karen H. Ben
NOTARY PUBLIC

MY COMMISSION EXPIRES:
03/16/2001

MISSISSIPPI BAND OF CHOCTAW INDIANS
FEE LAND TO TRUST SUMITTED TO CHOCTAW AGENCY

COMMUNITY	DATE OF DEED	GRANTOR	TOWNSHIP	RANGE	SECTIONS	NUMBER ACRES	COUNTY	COUNTY RECORDS	BOOK	PAGE
	04/21/99	WALLACE, RICHARD & JOANN	14N	15E	16	4.00	NOXUBEE	553/503	A	456
BC	11/21/95	JONES, SHELBA	11N	14E	7	250.00	KEMPER	268/220	A	290
BC	09/08/97	HALL, ANDERSON & MARTHA	11E	14N	18	89.00	KEMPER	280/193	A	388
BC	03/14/97	ALLEN, TIM	12N	14E	32	40.00	KEMPER	A222/845	A	351
BC	03/17/97	ALLEN, TIM	12N	13E	2	80.00	NESHOBA	A223/6	A	355
BC	09/08/97	HALL, ANDERSON & MARTHA	11E	14N	17	120.00	KEMPER	280/193	A	388
BC	03/13/96	INTERSTATE GEOPHYSICAL CO., INC.	11N	14E	7	60.00	KEMPER	270/71	A	340
BC	03/14/97	ALLEN, TIM	11N	14E	5	154.00	KEMPER	A222/845	A	351
BC	11/22/96	WILLIS, GLENDALE	11N	14E	7	7.00	KEMPER		A	348
BC	11/19/96	EDWARDS, DAVID	11N	13E	12	3.25	NESHOBA	A221/258	A	343
BC	03/13/96	DUNGAN, W.W.	12N	13E	36	40.00	NESHOBA	A217/346	A	335
BC	03/14/97	ALLEN, TIM	12N	14E	30	456.00	KEMPER	A222/845	A	351
BC	03/13/96	INTERSTATE GEOPHYSICAL CO., INC.	11N	13E	1	30.00	NESHOBA	A217/343	A	337
BC	07/26/96	GRAY, EARL "JUNIOR"	11N	13E	2	94.00	NESHOBA	A219/269	A	346
BC	11/19/96	EDWARDS, DAVID	11N	13E	13	68.78	NESHOBA	A221/258	A	343
BC	03/13/96	INTERSTATE GEOPHYSICAL CO., INC.	11N	13E	12	408.60	NESHOBA	A217//343	A	337
BC	03/13/96	DUNGAN, W.W.	11N	13E	1	199.00	NESHOBA	A217/346	A	335
BC	03/14/97	ALLEN, TIM	12N	13E	25	160.00	NESHOBA	A222/845	A	351
BC	10/16/98	ALLEN, TIM	11N	14E	27	224.00	KEMPER	228/47	A	425
BC	02/22/30	BATES	11N	13E	2	15.00	NESHOBA	LLL/241	A	48
BC	04/10/62	MBCI	11N	13E	2	3.00	NESHOBA	A55/389	A	138
BC	10/16/98	ALLEN, TIM	11N	14E	28	480.00	KEMPER	228/47	A	425
BC	03/17/97	ALLEN, TIM	12N	13E	1	155.00	NESHOBA	A223/6	A	355
BC	10/16/98	ALLEN, TIM	11N	14E	21	240.00	KEMPER	228/47	A	425
BC	03/14/97	ALLEN, TIM	12N	14E	31	480.00	KEMPER	A222/845	A	351
C	04/23/98	ALLEN, TIM	07N	10E	28	40.00	NEWTON	262/692	A	422
C	02/11/99	NARALSON, BILLY & BARBARA	07N	10E	3	40.00	NEWTON	267-474	A	449
C	11/12/98	McDILL, GARY T.	07N	10E	9	80.00	NEWTON			0
C	09/17/96	LANGFORD, MYERL	07N	10E	9	76.55	NEWTON	252/33	A	322
C	06/29/27	LANGFORD	07N	10E	15	5.40	NEWTON	52/206	A	33
C	06/12/39	LANGFORD	07N	10E	10	0.88	NEWTON	70/101	A	113
C	09/17/96	LANGFORD, MYERL	07N	10E	10	51.35	NEWTON	252/33	A	322
C	05/03/57	LANGFORD	07N	10E	10	2.65	NEWTON	114/377	A	136
C	05/03/57	LANGFORD	07N	10E	15	1.85	NEWTON	114/377	A	136
C	04/23/98	ALLEN, TIM	07N	10E	21	50.30	NEWTON	262/692	A	422
CR	11/15/93	STRINGFELLOW	14N	13E	35	37.00	WINSTON	218/220	A	276
NAMIH WAIYA	03/17/97	ALLEN, TIM	12N	13E	3	30.00	WINSTON	238/375	A	359
NAMIH WAIYA	03/17/97	ALLEN, TIM	12N	13E	2	120.00	WINSTON	230/206	A	355
PHILA	04/28/98	GARDNER, ROY CLYDE	11N	12E	30	1.00	NESHOBA	A/228-897	A	437
PHILA.	07/29/29	HENDERSON-HOLPUS	11N	12E	30	25.00	NESHOBA	KKK/171	A	43
PHILA.	10/04/73	GWARTNEY	11N	12E	30	1.00	NESHOBA	A93/144	A	161
PHILA.	10/21/39	DEES	11N	12E	30	5.00	NESHOBA	UAU/123	A	115

MISSISSIPPI BAND OF CHOCTAW INDIANS
FEE LAND TO TRUST SUMITTED TO CHOCTAW AGENCY

COMMUNITY	DATE OF DEED	GRANTOR	TOWNSHIP	RANGE	SECTIONS	NUMBER ACRES	COUNTY	COUNTY RECORDS	BOOK	PAGE
PR	01/23/96	JOHN HANCOCK MUTUAL LIFE INS.	11N	10E	28	40.00	NESHOBA	A217/90	A	325
PR	08/26/96	WHITE, LAVERN	11N	11E	20	28.00	NESHOBA	A219/686	A	309
PR	11/25/97	WHITE ESTATE	11N	10E	33	116.00	NESHOBA	A226/874	A	398
PR	05/07/99	BURRAGE, OLEN JR., & RUTH ANN	11N	11E	29	7.00	NESHOBA	A234/856	A	459
PR	10/31/97	ALLEN, TIM	11N	11E	2	310.00	NESHOBA	A227/100	A	391
PR	11/26/97	WHITE, JAMES ALLEN	11N	10E	34	50.00	NESHOBA	A226/879	A	404
PR	11/25/97	WHITE ESTATE	11N	10E	33	9.00	NESHOBA	A226/877	A	401
PR	11/25/97	WHITE ESTATE	11N	10E	28	40.00	NESHOBA	A226/874	A	398
PR	01/16/98	KITTRELL, LARRY & DONNA	11N	11E	29	64.00	NESHOBA		A	419
PR	10/31/97	ALLEN, TIM	11N	11E	1	62.00	NESHOBA	A227/100	A	391
PR	10/31/97	ALLEN, TIM	11N	11E	9	26.50	NESHOBA	A227/100	A	391
PR	10/31/97	ALLEN, TIM	11N	11E	4	400.00	NESHOBA	A227/100	A	391
PR	10/31/97	ALLEN, TIM	11N	11E	3	445.50	NESHOBA	A227/100	A	391
PR	10/31/97	ALLEN, TIM	11N	11E	10	13.00	NESHOBA	A227/100	A	391
PR	01/16/98	KITTRELL, LARRY & DONNA	11N	11E	28	5.00	NESHOBA	A230/823	A	419
PR	05/01/97	JONES, MACK & SUE DUET	11N	10E	14	28.02	NESHOBA	A223/650	A	368
PR	11/28/83	FERGUSON	11N	11E	30	0.25	NESHOBA	A146/501	A	180
PR	07/14/97	BYARS, DAVID & NEDA	11N	11E	29	36.00	NESHOBA	A224/891	A	374
PR	04/19/97	THOMPSON ESTATE	11N	10E	18	60.50	NESHOBA	A228/465	A	361
PR	04/19/97	THOMPSON ESTATE	11N	09E	13	57.09	LEAKE	A228/465	A	361
PR	08/13/20	GRIFFIN	11N	10E	25	65.00	NESHOBA	YY/254	A	3
PR	06/15/84	LOCKHART	11N	11E	29	10.00	NESHOBA	A151/704	A	197
PR	06/04/84	TINGLE, R	11N	11E	29	91.00	NESHOBA	A150/577	A	185
PR	05/19/99	BRIGGS, EDDIE & REBECCA	11N	11E	6	35.00	NESHOBA	A/235-124	A	461
PR	06/15/84	GRAHAM	11N	11E	29	5.00	NESHOBA	A151/24	A	199
PR	06/15/84	MAYO	11N	11E	29	5.00	NESHOBA	A151/24	A	201
PR	08/26/96	TINGLE, J.V.	11N	11E	20	1.00	NESHOBA	A220/842	A	318
PR	03/07/96	BOYDSTUN	11N	10E	28	119.00	NESHOBA	A217/255	A	298
PR	02/09/96	McNEIL, JERRY & LINDA	11N	11E	30	3.71	NESHOBA	A216/716	A	333
PR	05/07/99	BURRAGE, OLEN JR., & RUTH ANN	11N	11E	30	5.40	NESHOBA	A234/856	A	459
PR	12/02/85	GOLDMAN	11N	10E	36	14.00	NESHOBA	A161/528	A	213
PR	06/06/84	TINGLE, L.	11N	11E	29	105.88	NESHOBA	A150/704	A	190
PR	01/06/99	GIBSON, JIMMY	11N	11E	29	16.58	NESHOBA	A/232-764	A	447
PR	07/14/93	MARTIN, FRED	11N	11E	30	2.43	NESHOBA	A-210/138	A	274
PR	02/25/83	FULTON/RISHER	11N	11E	18	40.00	NESHOBA	A140/142	A	170
PR	02/25/83	FULTON/RISHER	11N	11E	19	70.00	NESHOBA	A140/142	A	170
PR	05/07/99	BURRAGE, OLEN JR., & RUTH ANN	11N	11E	31	4.90	NESHOBA	A234/856	A	459
PR	09/15/98	SULLIVAN, SONYUNA	11N	11E	29	3.94	NESHOBA	A/231-15	A	442
PR	10/16/98	HENRY, FRANK & ANNIE LEE	11N	11E	29	3.10	NESHOBA	A231/503	A	428
PR	06/11/64	BARRETT	11N	10E	25	8.84	NESHOBA	A61/107	A	150
PR	05/01/97	JONES, MACK & SUE DUET	11N	10E	11	101.50	NESHOBA	A223/650	A	368
PR	08/16/96	TINGLE, OREN & LESSIE	11N	11E	20	133.00	NESHOBA	A219/550	A	307
PR	10/04/83	McNEIL	11N	11E	30	3.55	NESHOBA	A146/221	A	176
PR	05/07/99	BURRAGE, OLEN JR., & RUTH ANN	11N	11E	32	160.00	NESHOBA	A234/856	A	459
RW	05/01/97	GATES, MARK & LARRY	10N	07E	2	10.50	LEAKE	228/627	A	371
RW	04/28/97	HOLLOWAY & MALCOLM	10N	07E	2	4.50	LEAKE	228/630	A	364
RW	03/10/98	LEAKE CO. INDUSTRIAL DEV. ASSOC.	11N	07E	36	10.34	LEAKE	235/549	A	410

MISSISSIPPI BAND OF CHOCTAW INDIANS
FEE LAND TO TRUST SUMITTED TO CHOCTAW AGENCY

COMMUNITY	DATE OF DEED	GRANTOR	TOWNSHIP	RANGE	SECTIONS	NUMBER ACRES	COUNTY	COUNTY RECORDS	BOOK	PAGE
RW	04/02/98	WRIGHT, WILMA, ROYT & PAUL	11N	07E	35	51.54	LEAKE	235/696	A	415
RW	06/06/84	LEAKE COUNTY INDUSTRIAL	11N	07E	36	3.47	LEAKE	163/440	A	193
RW	12/10/97	LONG, JOHN S., WILLIAM & FRANK	11N	07E	26	4.70	LEAKE	233/424	A	382
RW	03/13/98	MULHOLLAND, ROY DWIGHT	10N	08E	10	11.87	LEAKE	235/483	A	407
RW	05/25/23	WALLACE	11N	07E	36	20.00	LEAKE	21/143	A	12
SP	09/02/19	YORK	10N	08E	35	30.00	LEAKE	15/149	A	1
SP	08/04/81	BILLY	10N	08E	34	40.00	LEAKE	154/624	A	169
SP	05/07/96	WHITTEN, GEORGE	10N	09E	29	72.03	LEAKE	221/614	A	300
SP	04/13/78	PEOPLES TO CHATA DEV. TO MBCI	09N	08E	2	80.00	LEAKE	143/726	A	164
SP	05/07/96	WHITTEN, GEORGE	10N	09E	30	20.00	LEAKE	221/614	A	300
SP	05/08/96	NATIONWIDE MORTAGE	09N	08E	03	86.51	LEAKE	221/633	A	303
SP	05/07/96	JENKINS, RONALD	10N	09E	09	51.87	LEAKE	221/616	A	320
T	06/23/98	SAVELL, LARRY	10N	12E	28	10.00	NESHOBA	A/229-665	A	439
T	06/23/98	SAVELL, LARRY	10N	12E	21	105.00	NESHOBA	A/229-265	A	439
T	01/30/20	CATHOLIC DIOCESE	10N	12E	22	7.70	NESHOBA	YY/231	A	2
TENNESSEE	05/04/95	CARROLL	MAP 117	PAGE 20.009	0	79.89	LAUDERDALE	356/103	A	287
TENNESSEE	03/12/93	CARROLL	MAP 17	PARECL 20	0	88.15	LAUDERDALE	HENNING, TENNESSEE (BK.332, PG.536)	A	271
Total:						8022.39				

45

U.S. DEPARTMENT OF INTERIOR
BUREAU OF INDIAN AFFAIRS
CHOCTAW AGENCY
PHILADELPHIA, MS

RECEIPT

This acknowledges my receipt of the attached **MISSISSIPPI BAND OF CHOCTAW INDIANS FEE LAND TO TRUST SUBMITTED TO CHOCTAW AGENCY** consistency of 3 pages numbered 1 through 3 consecutively on this the 28th day of September, 1999, at the Bureau of Indian Affairs, Choctaw Agency at Philadelphia, Mississippi.

Ray C. Thomas
Ray Claude Thomas
Agency Superintendent

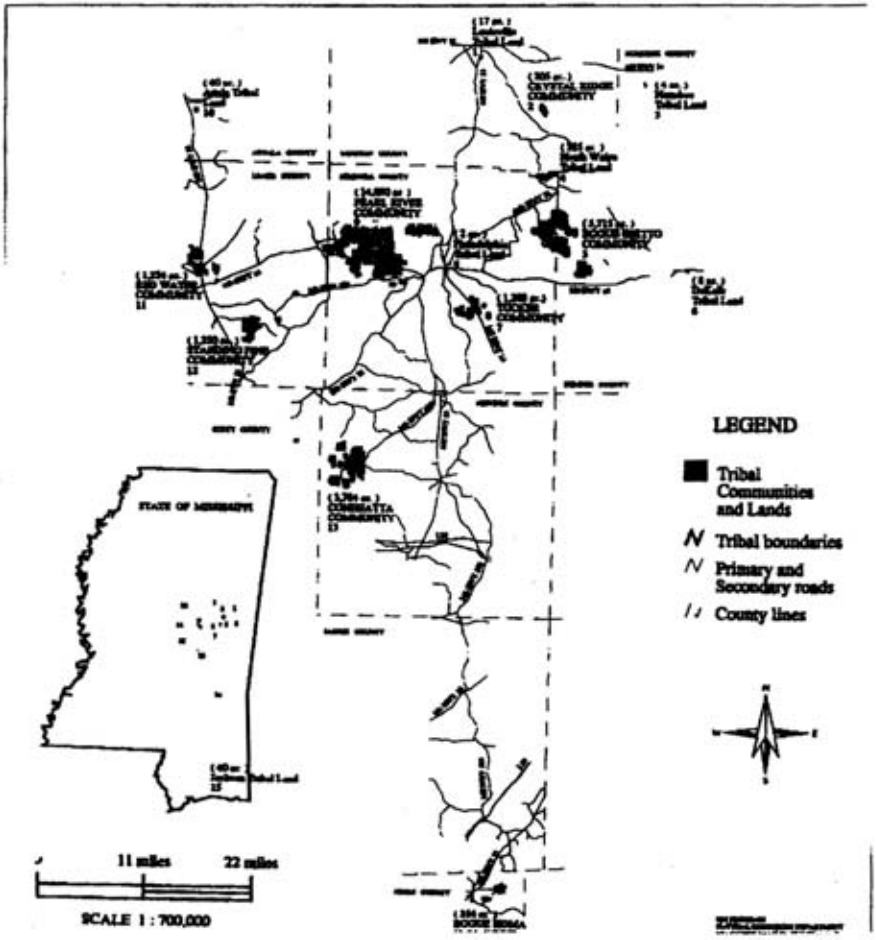
WITNESS:

Deyondria J. Williams
Deyondria J. Williams

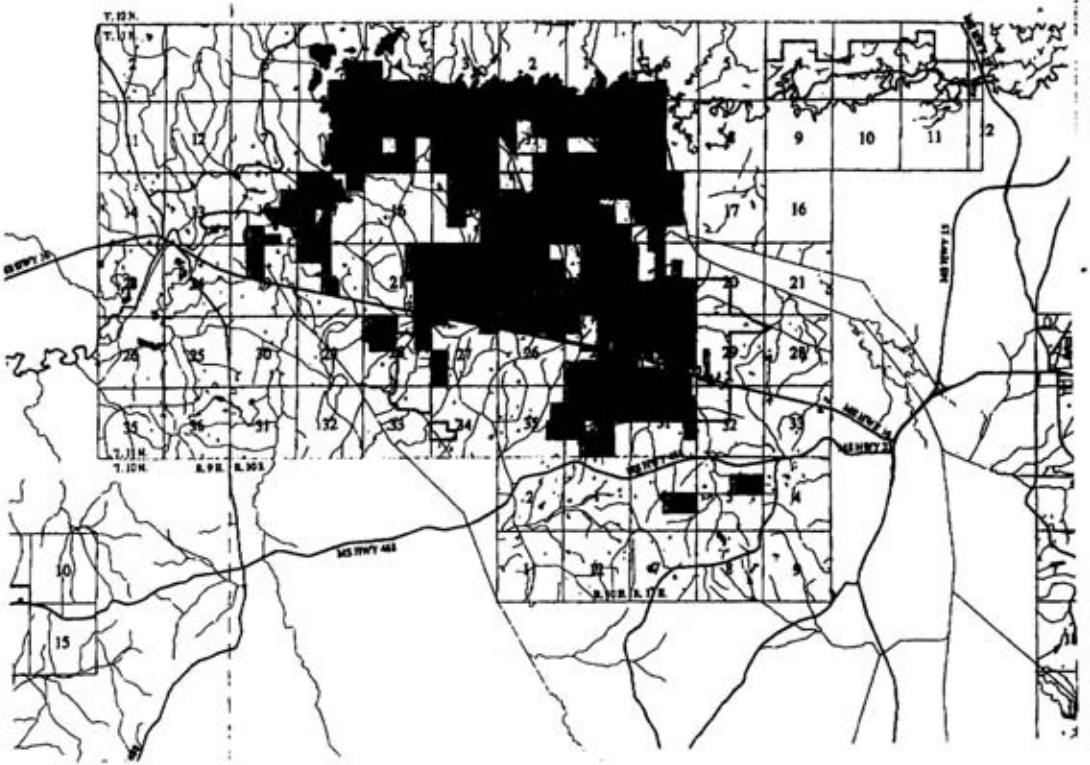
Attachment 3

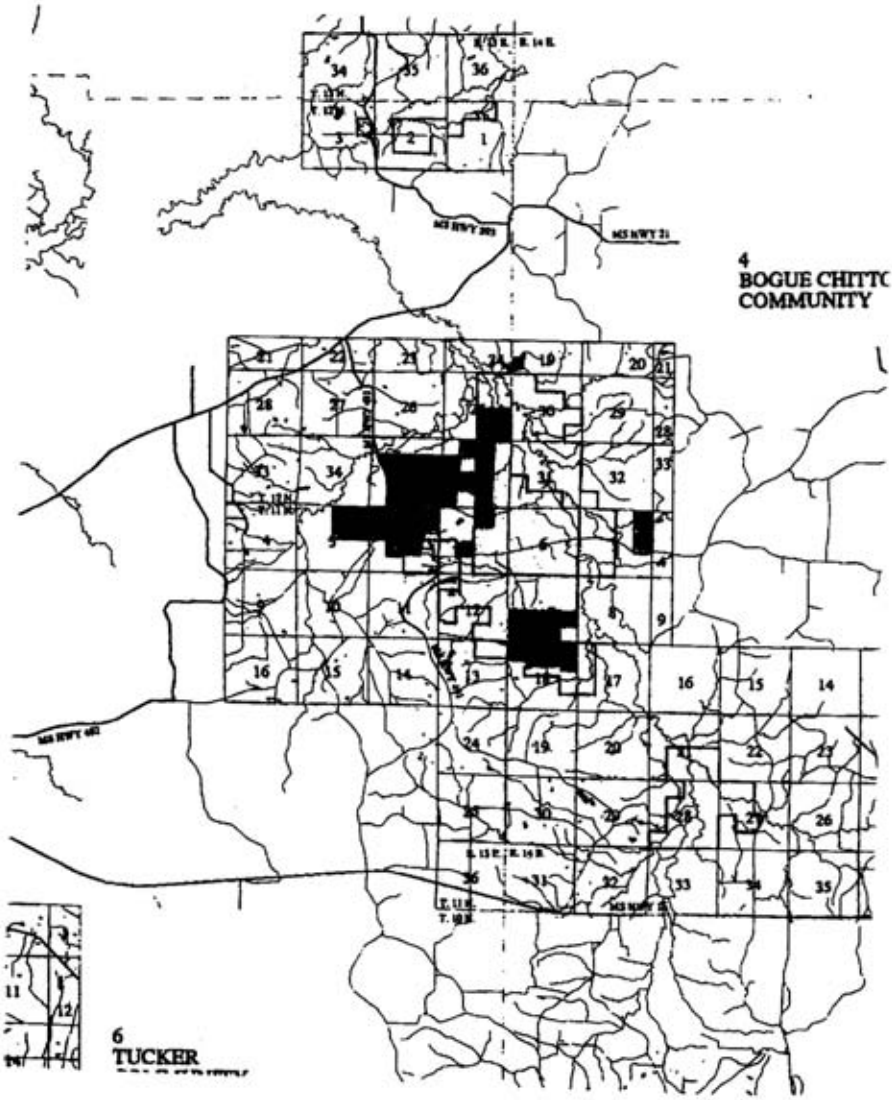
TRIBAL COMMUNITIES AND LANDS

MISSISSIPPI BAND OF CHOCTAW INDIANS (28,338 ac.)



5
PEARL RIVER
COMMUNITY

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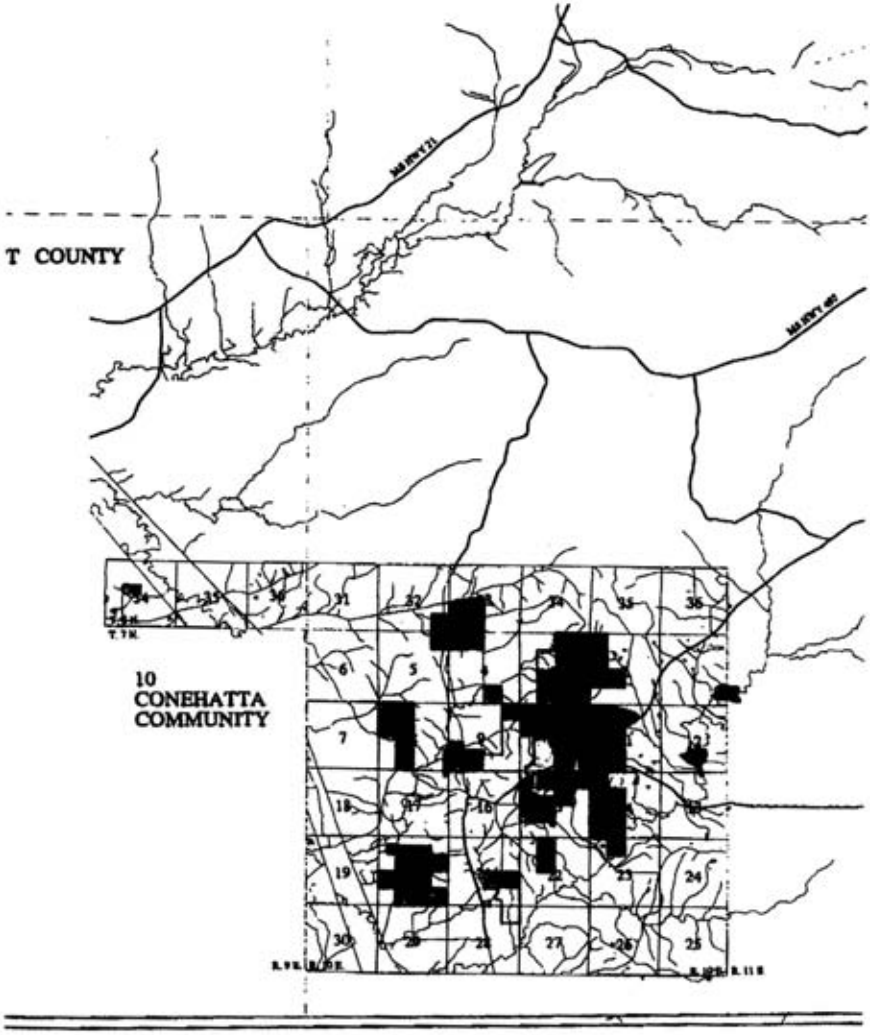
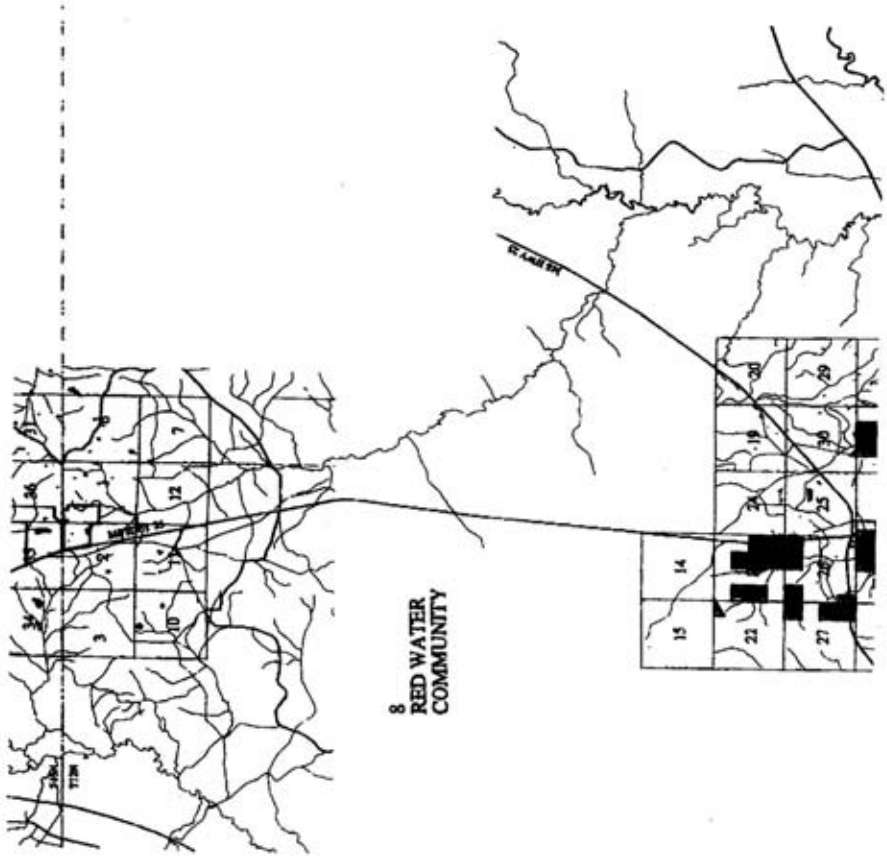
BOGUE CHITTC
COMMUNITY
6
TUCKER


T COUNTY
10
CONEHATTA
COMMUNITY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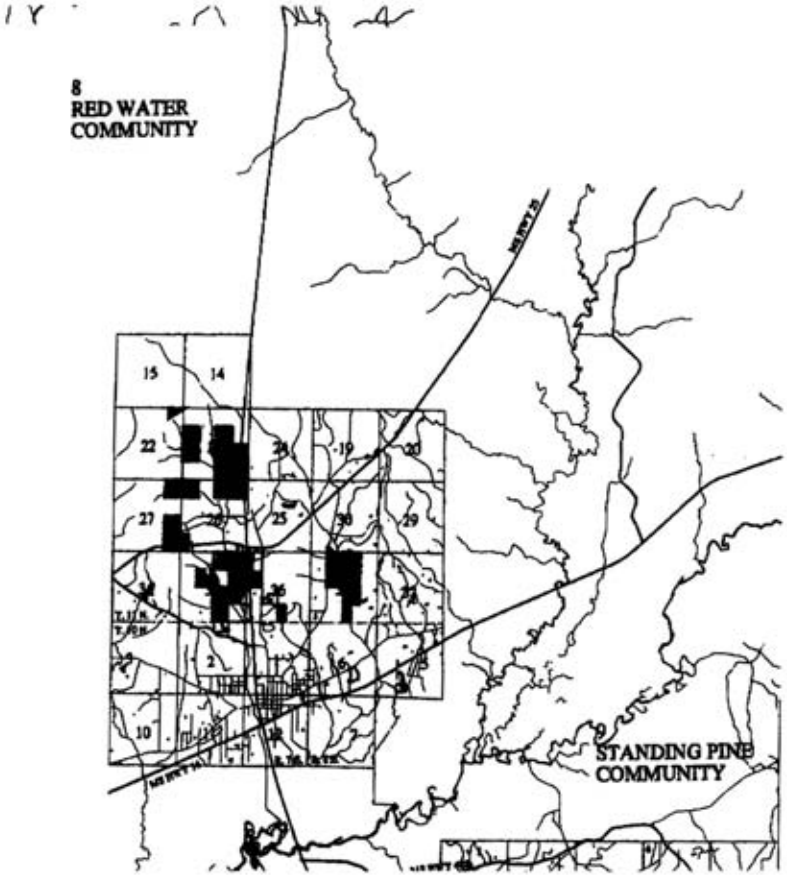
RED WATER
COMMUNITY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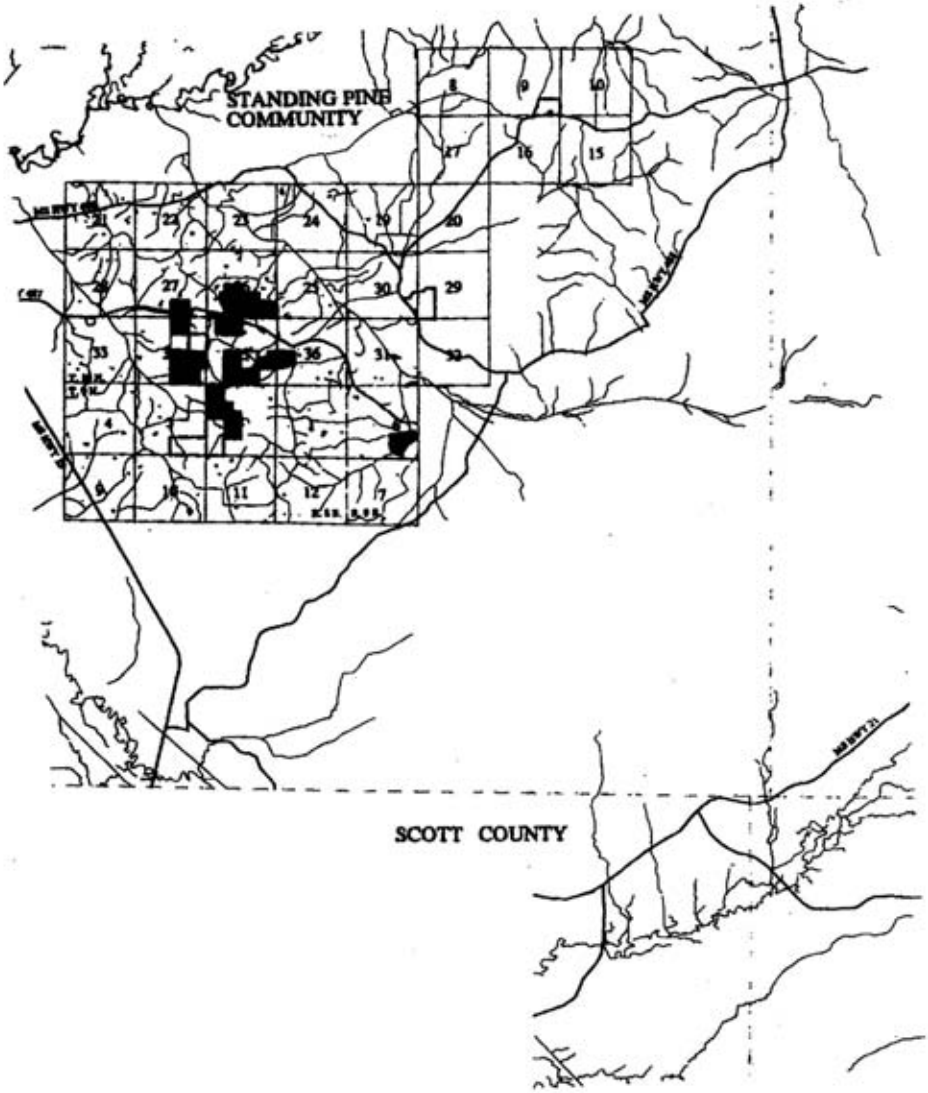
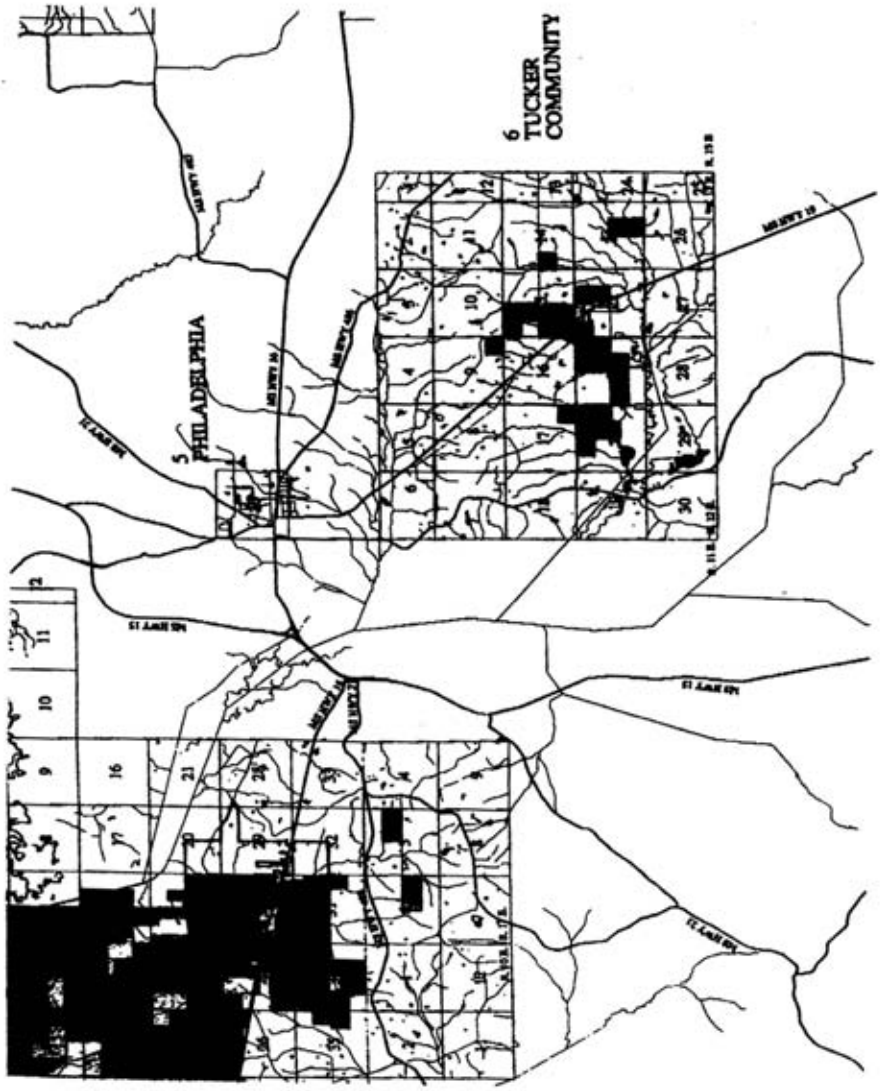
RED WATER
COMMUNITY
STANDING PINE
COMMUNITY

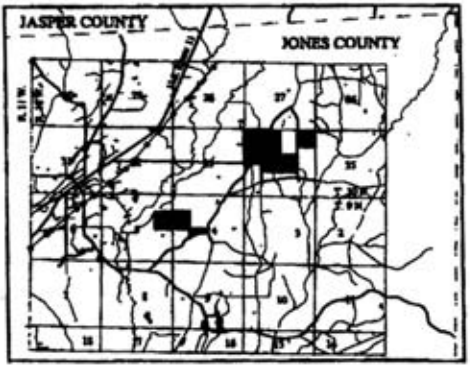

STANDING PINE
COMMUNITY
SCOTT COUNTY


5
PHILADELPHIA
6
TUCKER
COMMUNITY

SCOT

1

11
BOGUE HOMA
COMMUNITY



MISSISSIPPI BAND OF CHOCTAW INDIANS

TRIBAL OFFICE BUILDING
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April 24, 2000

Honorable Slade Gorton
U.S. Senate
SH-730 Hart Senate Office Building
Washington, D.C. 20510-4701

Dear Senator Gorton:

Senator Campbell has forwarded to me a question you wished to have answered regarding my testimony before the Senate Committee on Indian Affairs on March 29, 2000. My response is as follows:

Q: I have always admired the economic development activities of the Choctaw tribe. How do you intend to use these properties? What kind of economic development activities have you planned? Why is trust status required to move forward with these plans?

A:

As demonstrated in my testimony of March 29th, the Choctaw reservation has a very unique land base. Rather than a contiguous block of land with a declared external boundary, the Choctaw reservation was formed by the federal acquisition of 15,000 acres of land in scattered parcels in seven areas of East Central Mississippi. As a consequence, the Tribe has had to consolidate these scattered parcels in order to provide tracts large enough for development and housing purposes.

A second challenge is the nature of the original land. Much of it was hilly or swampy and of poor quality for agricultural uses. None of the land has any amount of natural or mineral resources except for growing some timber. Thus, the Tribe had to focus on an industrial/manufacturing/tourism approach to economic development that made the best use of the only real resource the Tribe had, its people.

A major fact that drives the Tribe in its development effort is the need for revenue to provide programs to assist its members. For example a key tribal government program funded entirely with tribal revenues is its scholarship program, which to date has provided tribal members with more than $1 million to further their education. Federal funding is not dependable, as the BIA's 1999 budget in real terms just equaled its FY 1995 budget, and in nominal terms was 10% below the FY 1995 budget. Tribal taxation of its members or its members property is not a realistic source of government revenue, as 32% of Choctaw households in 1997 still lived below the official poverty level, and another third is just above that level. Full engagement in the competitive private sector is the only means to provide sufficient tribal government revenue to meet tribal needs.

Letter to Senator Gorton, page 2

As you are aware, in order to participate effectively in the private sector, you must be able to move very quickly when a development opportunity presents itself. The ability to make swift economic development decisions presupposes the immediate availability of resources (land in particular) and the jurisdiction, or control of them in order to close the deal. Many of the land parcels in the list attached to S. 1967 were purchased with the intent of providing the "immediate land resource" needed to take advantage of a development opportunity. Taking the land into trust provides the tribe with the immediate jurisdiction or control that allows it to bring to bear the unique constellation of resources needed to capture a development opportunity in a competitive marketplace. In our own jurisdiction (the Choctaw tribal government) rests the authority to coordinate all the needed service factors such as police, security, fire protection, utilities, financing, construction, labor, environmental, and appeal/dispute procedures (court system) without subjecting the proposed business or housing development to multi-jurisdictional red tape and multiple layers of taxation.

With regard to specific use, a majority of the properties in Pearl River will be utilized in the development of ancillary facilities or projects associated with our resort development to be phased in as time and funding permit. For example, four of the Pearl River properties form the area for the new shopping center and other "town center" activities. The 1,000 acre purchase in Bogue Chitto is basically swamp, which the Tribe will place in a mitigation bank already signed with the Army Corps of Engineers (the first of its kind between the Corps and an Indian tribe) to offset small areas of wetlands disturbed by industrial or residential development elsewhere in the various communities. This area will also be used for traditional hunting and gathering purposes by tribal members. Housing for tribal members, the single most pressing need at this time, will be located on tracts purchased in all the communities.

More importantly, we can say that after the S.1967 properties are in trust we have the immediately available critical land resources and the jurisdiction over them needed to develop a successful economic enterprise when that opportunity presents itself and to proceed with tribal housing construction on our own schedule and pursuant to our own land use policies.

As I noted early in this letter, the land acquisition and ownership situation of the Mississippi is unique among tribes, as we have scattered trust parcels rather than a clearly defined reservation. Passage of S. 1967 is crucial to our continued ability to provide homes and jobs to our members as we continue to develop tribal enterprises. .

Should you have any further questions, I would be happy to address them.

Sincerely,

Phillip Martin

Phillip Martin
Chief

cc: Senator Campbell

HAZCLEAN ENVIRONMENTAL CONSULTANTS, INC.

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March 27, 2000

Mr. Steve Gleason
Mississippi Band of Choctaw Indians
P. O. Box 6010
Philadelphia, MS 39350

RE: **HAZCLEAN Project No. 590.13.2144**
The Bureau of Indian Affairs Level I Contaminant Survey of Seventy-Two (72) Parcels of Property (8,644 Acres) for the Mississippi Band of Choctaw Indians

Dear Mr. Gleason:

HAZCLEAN ENVIRONMENTAL CONSULTANTS, INC. (HAZCLEAN), is submitting this correspondence to summarize the Level I Contaminant Surveys which were conducted on the properties given in the attached Table. The following overall conditions were assessed:

1. All sites listed in the attached Table were completed during March, 2000.

2. All sites listed in the attached Table met the Level I Contaminant Survey criteria for good condition with no major remediation requirements.

3. Remediation activities to remove soil staining was recommended for the Tim Allen (944 acre) parcel and the Bates (15.0 acre) parcel located in the Bogue Chitto Community.

4. Recommendations for asbestos material sampling were given for parcels which contained a building or structure on site in which no previous information was available concerning identification of asbestos materials.

5. Recommendations for removal and prevention of dumping of household garbage, trash, and debris was given for parcels where this condition was observed.

HAZCLEAN will be forwarding the bound reports to the Mississippi Band of Choctaw Indians. **HAZCLEAN** appreciates this opportunity to provide professional engineering services to the Mississippi Band of Choctaw Indians and the Bureau of Indian Affairs. If you should have any questions, please feel free to contact Joseph M. Drapala, C.H.M.M., Project Manager, at (601) 922-0766, extension 230, or me at extension 203.

With kindest personal regards, I am

Sincerely,

E. Corbin McGriff, Jr., Ph.D., P.E.
President and Director of Operations

ECM/llm
Enclosure

590/L3001.13

Summary Table for The Level 1 Contaminant Survey for the Mississippi Band of Choctaw Indians, Philadelphia, MS

FORMER OWNERS	NUMBER OF ACRES	COMMUNITY	COUNTY	LEVEL 1 CONDITION / MAJOR CLEAN-UP
ALLEN, TIM	1131	BOGUE CHITTO	KEMPER	Good / None
ALLEN, TIM	944	BOGUE CHITTO	KEMPER	Good / None
JONES, SHELIA	250	BOGUE CHITTO	KEMPER	Good / None
B & G WOOD PRODUCTS	173	BOGUE CHITTO	KEMPER	Good / None
ALLEN, TIM	235	BOGUE CHITTO	NESHOBA	Good / None
HALL, ANDERSON	209	BOGUE CHITTO	NESHOBA	Good / None
DUNGAN, W.W.	199	BOGUE CHITTO	NESHOBA	Good / None
ALLEN, TIM	160	BOGUE CHITTO	NESHOBA	Good / None
GRAY, EARL	94	BOGUE CHITTO	NESHOBA	Good / None
EDWARDS, DAVID	74.95	BOGUE CHITTO	NESHOBA	Good / None
BATES	15	BOGUE CHITTO	NESHOBA	Good / None
WILLIS, GLENDALE	7	BOGUE CHITTO	NESHOBA	Good / None
MBCI	3	BOGUE CHITTO	NESHOBA	Good / None
INTERSTATE GEO. CO.	498.6	BOGUE CHITTO	NESHOBA & KEMPER	Good / None
ALLEN, TIM	120	BOGUE CHITTO	WINSTON	Good / None
LANGFORD, MYERL	127.9	CONEHATTA	NEWTON	Good / None
ALLEN, TIM	90.3	CONEHATTA	NEWTON	Good / None
McDILL, GARY	80	CONEHATTA	NEWTON	Good / None
HARALSON, BILLY E	40	CONEHATTA	NEWTON	Good / None
LANGFORD	10.78	CONEHATTA	NEWTON	Good / None
STRINGFELLOW	37	CRYSTAL RIDGE	WINSTON	Good / None
ALLEN, TIM	30	NANIH WAIYA AREA	WINSTON	Good / None
GOLDMAN	14	PEARL RIVER	NESHOBA	Good / None
ALLEN, TIM	1251.5	PEARL RIVER	NESHOBA	Good / None
WHITE ESTATE (HAYES)	162.25	PEARL RIVER	NESHOBA	Good / None
TINGLE, OREN	133	PEARL RIVER	NESHOBA	Good / None
JONES, MACK & SUE	129.52	PEARL RIVER	NESHOBA	Good / None
BOYDSTON	119	PEARL RIVER	NESHOBA	Good / None
THOMPSON	117.59	PEARL RIVER	NESHOBA	Good / None
RISHER, SIDNEY & SUSAN	110	PEARL RIVER	NESHOBA	Good / None
TINGLE, LOUIS	105.88	PEARL RIVER	NESHOBA	Good / None
TINGLE, ROBERT	91	PEARL RIVER	NESHOBA	Good / None
KITTRELL, LARRY & DONNA	69	PEARL RIVER	NESHOBA	Good / None
GRIFFIN	65	PEARL RIVER	NESHOBA	Good / None
WHITE, JAMES ALLEN	48.55	PEARL RIVER	NESHOBA	Good / None
HANDCOCK, JOHN	40	PEARL RIVER	NESHOBA	Good / None
BRIGGS, EDDIE	35	PEARL RIVER	NESHOBA	Good / None
WHITE, LAVERN	28	PEARL RIVER	NESHOBA	Good / None
LOCKHART	10	PEARL RIVER	NESHOBA	Good / None
BARRETT	8.84	PEARL RIVER	NESHOBA	Good / None
GRAHAM	5	PEARL RIVER	NESHOBA	Good / None
MAYO	5	PEARL RIVER	NESHOBA	Good / None
McNEIL, JERRY	3.71	PEARL RIVER	NESHOBA	Good / None
McNEIL, JERRY	3.55	PEARL RIVER	NESHOBA	Good / None
MARTIN, FRED	2.43	PEARL RIVER	NESHOBA	Good / None
TINGLE, J.V.	1	PEARL RIVER	NESHOBA	Good / None
FERGUSON, BOB	0.25	PEARL RIVER	NESHOBA	Good / None
BURRAGE, OLEN JR.	177	PEARL RIVER	NESHOBA	Good / None
HENDERSON-MOLPUS	25	PHILADELPHIA	NESHOBA	Good / None
DEES	5	PHILADELPHIA	NESHOBA	Good / None
GWARTNEY/MARTIN	1	PHILADELPHIA	NESHOBA	Good / None
GARDNER, CLYDE	0.825	PHILADELPHIA	NESHOBA	Good / None
WRIGHT	51.54	RED WATER	LEAKE	Good / None
WALLACE	20	RED WATER	LEAKE	Good / None
MULHOLLAND	11.87	RED WATER	LEAKE	Good / None
GATES, MARK & LARRY	10.5	RED WATER	LEAKE	Good / None
LEAKE CO. INDUSTRL.	10.36	RED WATER	LEAKE	Good / None
LONG	4.7	RED WATER	LEAKE	Good / None
HOLLOWAY/MALCOLM	4.5	RED WATER	LEAKE	Good / None
LEAKE CO. INDUSTRL.	3.46	RED WATER	LEAKE	Good / None
BATES & GRANTHAM FARMS	530	RED WATER	LEAKE & ATTALA	Good / None
WHITTEN, GEORGE	92.03	STANDING PINE	LEAKE	Good / None
NATIONWIDE MORTAGE	86.51	STANDING PINE	LEAKE	Good / None
CHATA TO MBCI	80	STANDING PINE	LEAKE	Good / None
JENKINS, RONALD	51.87	STANDING PINE	LEAKE	Good / None
BILLY, FRANK	40	STANDING PINE	LEAKE	Good / None
YORK	30	STANDING PINE	LEAKE	Good / None
CARROLL	88.15	TENNESSEE	LAUDERDALE	Good / None
CARROLL	79.89	TENNESSEE	LAUDERDALE	Good / None
SAVELL, LARRY	115	TUCKER	NESHOBA	Good / None
CATHOLIC DIOCESE	7.7	TUCKER	NESHOBA	Good / None
WALLACE, RICHARD	4		NOXUBEE	Good / None