



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Washington, DC 20240

June 24, 2021

The Honorable Raul Ruiz, M.D.  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Representative Ruiz:

Thank you for your letter dated April 1, 2021, concerning the Oasis Mobile Home Park (OMHP), located in the Coachella Valley within the boundaries of the Torres-Martinez Desert Cahuilla Indian Reservation, County of Riverside, Thermal, California. The OMHP encompasses approximately 60 acres of both fee and trust land (40.34 acres) and includes 300 mobile home sites, identified as Torres-Martinez Allotment 19. The current trust ownership of the Allotment is held by four members of the Lawson family and the Estate of Scott Lawson.

It is important to distinguish trust interests versus fee interests for a better understanding of roles and responsibilities to manage those lands. The Bureau of Indian Affairs (BIA) jurisdiction only extends to trust interest. The fee interest and portions of the OMHP that are located on fee land fall under the jurisdiction of the County. For clarification purposes, the enclosed map of the allotment depicts the layout and location of the OMHP; the pink portion is allotted trust lands, please note OMHP extends past trust lands onto surrounding lands in fee, managed by the County.

The BIA, pursuant to 25 USC § 415 and in accordance with 25 CFR § 162, et seq., the implementing statutory authority, determined a lease action is required in this particular situation due to the commercial use of the allotment as well as the nature of ownership, see enclosed public version of the title status report of the allotment. In the absence of a business lease, the BIA could implement the regulatory authority found at 25 CFR § 166, Subpart I – Trespass.

The BIA has notified the landowners of their requirement for a business lease on the allotment and are making every effort to assist the landowners to come into compliance in any way we can. However, we are cognizant of the humanitarian crisis that would occur if trespass and/or cease and desist action were pursued, displacing the tenants. Please see USA v. Harvey Duro, 625 F. Supp 2d 938.

The Environmental Protection Agency (EPA) who also has an equal trust responsibility, has the authority to enforce the Safe Water Drink Act, and the Clean Water Act (CWA), the National Pollutant Discharge Elimination System (NPDES) 42 USC § 300F, as well as the Resource Conservation and Recovery Act (RCRA) for solid waste disposal. This authority allows for the issuance of Administrative ORDERS.

The County of Riverside who assesses taxes on the fee portion has the responsibility of enforcing their codes and ordinances.

Because the BIA has limited enforcement authority in California (PL-280) in this circumstance we have enlisted the EPA and the County of Riverside to exercise their enforcement.

Below are the responses to the questions posed in your correspondence.

(1) When did Scott Lawson, the owner of the Oasis Mobile Home Park, apply for a business lease to operate the park? Has a business lease ever been approved for Scott Lawson and/or the OMHP?

Mr. Lawson nor any of the other landowners have ever submitted a proposed business lease to the Agency for approval.

(2) When did the BIA first conduct a site visit at OMHP? Please also note the date of any subsequent visits. Please provide copies of any documentation detailing those visits and any documentation of actions taken as a result.

A site visit was conducted by BIA in 2007 in conjunction with EPA and California Department of Housing and Community Development; enclosed for reference is the Environmental Health and Safety Assessment Report, dated August 13, 2007. A further site visit was conducted on April 22, 2021. The Honorable Supervisor V. Manuel Perez will be providing notice of a follow-up teleconference with the parties listed in the enclosed attendance sheet.

(3) Was the BIA Southern California Superintendent and/or the Pacific Regional Director aware of the status of Scott Lawson's business lease for the OMHP as of October 9, 2019?

Both the Superintendent, Southern California Agency and the Pacific Regional Director, are apprised of the issues on the Allotment and as stated above, there has never been an approved business lease for OMHP.

(4) What is the BIA's policy for approving a business lease application for a housing business that is under an EPA order for a drinking water violation?

Statutory authority utilized for the approval of a business lease on Indian Land is 25 USC § 415(a) and in accordance the Code of Federal Regulations governing leasing on Indian Land found at 25 CFR 162, et seq. Prior to approval of a business lease on Indian land, compliance with the National Environmental Policy Act of 1969 (NEPA) is required, which would have addressed any and all environmental and health concerns. Please note that the issue of arsenic

levels in the water supply is not limited to the Allotment in question but is an issue throughout Coachella Valley.

(5) Did the BIA ever contact Scott Lawson (or associates) with regard to his business lease application during the period from August 31, 2019 to March 29, 2021? If so, what was the nature of that contact?

The BIA sent correspondence to the Landowners requesting meetings to provide technical assistance to draft a lease on March 3, 2020, June 5, 2020 and December 9, 2020.

(6) If no business lease has been approved, has the BIA ever issued a notice of violation and/or trespass to Scott Lawson? If yes, please identify and describe any facts or circumstances associated with such notice(s).

No, consultation with the Solicitor's office has commenced on the statutory authorities that BIA is limited to and with enforcement being an issue without a Federal court order, coupled with being a Public Law 280 state.

(7) What steps has the BIA taken since the initial OMHP business lease application to bring Scott Lawson into compliance with health and safety standards in his pursuit of a business lease?

Mr. Lawson has not submitted a business lease to date. Technical assistance has been offered on several occasions, see above dates. Please also see response to Question 10.

(8) Has the BIA at any point considered legal action with regard to the lack of a business lease at OMHP? Why, or why not?

Yes, consultation with the Solicitor's office is ongoing. It is important to understand the Order in the United State of America vs. Harvey Duro. While the BIA has the authority to remove trespassers on Indian land, their appropriated dollars are designated to provide services to Federally Recognized Tribes, Tribal members and Indian Landowners. To pursue a removal order in Federal court would be to create a humanitarian crisis in the Coachella Valley, as there is no affordable housing available for the agricultural workers, who primarily reside in the OMHP, as was the issue in the case referenced above.

(9) Should substandard conditions be identified at OMHP during a future site visit by the BIA, what steps will the BIA take to protect the residents of OMHP?

While the BIA does not provide service to non-Indians, as defined, we are working with our Cooperators in an attempt to address the immediate health and safety issues.

(10) How has the BIA sought to protect the health and safety of the residents of OMHP?

The BIA has recruited its Federal partner EPA to pursue actions regarding safe drinking water and solid waste violations. We have also requested the County of Riverside work towards enforcing their codes and ordinances.

(11) Please provide a list of all outstanding business lease applications on Tribal land in Riverside County, California. Please annotate this list by business type, date of initial application, and any notices or actions taken against individuals in violation of their lease agreement or in trespass.

There are no outstanding business lease submissions within Riverside County, California.

In moving forward, as indicated above, Supervisor V. Manuel Perez, will be coordinating a further Cooperator's meeting so each Agency can provide the authority they operate under so we can ascertain steps moving forward while being cognizant of the plight of the tenants who reside in the Park and the hardship they would endure should the OMHP be closed. Any assistance that your office could provide in terms of appropriations and or local contacts in the community for social services would be much appreciated.

If you have any further questions or issues, you may contact Javin Moore, Superintendent, BIA Southern California Agency at (951) 276-6624, ext. 222, JoAnn C. Koda, Deputy Superintendent – Trust Services, at (951) 965-0415, or Marie Blumhardt, Realty Officer, (951) 217-5717.

Sincerely,

A handwritten signature in black ink that reads "Darryl LaCounte". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Darryl LaCounte  
Director, Bureau of Indian Affairs

Enclosures