

114TH CONGRESS
1ST SESSION

H. R. 2538

To take lands in Sonoma County, California, into trust as part of the reservation of the Lytton Rancheria of California, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 21, 2015

Mr. HUFFMAN (for himself and Mr. DENHAM) introduced the following bill;
which was referred to the Committee on Natural Resources

A BILL

To take lands in Sonoma County, California, into trust as part of the reservation of the Lytton Rancheria of California, 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. SHORT TITLE.**

4 This Act may be cited as the “Lytton Rancheria
5 Homelands Act of 2015”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The Lytton Rancheria of California is a fed-
9 erally recognized Indian tribe that lost its homeland
10 after it was unjustly and unlawfully terminated in

1 1958. The Tribe was restored to Federal recognition
2 in 1991, but the conditions of its restoration have
3 prevented it from regaining a homeland on its origi-
4 nal lands.

5 (2) Congress needs to take action to reverse
6 historic injustices that befell the Tribe and have pre-
7 vented it from regaining a viable homeland for its
8 people.

9 (3) Prior to European contact there were as
10 many as 350,000 Indians living in what is now the
11 State of California. By the turn of the 19th century,
12 that number had been reduced to approximately
13 15,000 individuals, many of them homeless and liv-
14 ing in scattered bands and communities.

15 (4) The Lytton Rancheria's original homeland
16 was purchased by the United States in 1926 pursu-
17 ant to congressional authority designed to remedy
18 the unique tragedy that befell the Indians of Cali-
19 fornia and provide them with reservations called
20 Rancherias to be held in trust by the United States.

21 (5) After the Lytton Rancheria lands were pur-
22 chased by the United States, the Tribe settled on
23 the land and sustained itself for several decades by
24 farming and ranching.

1 (6) By the mid-1950s, Federal Indian policy
2 had shifted back towards a policy of terminating In-
3 dian tribes. In 1958, Congress enacted the
4 Rancheria Act of 1958 (72 Stat. 619), which slated
5 41 Rancherias in California, including the Lytton
6 Rancheria, for termination after certain conditions
7 were met.

8 (7) On August 1, 1961, the Lytton Rancheria
9 was terminated by the Federal Government. This
10 termination was illegal because the conditions for
11 termination under the Rancheria Act had never been
12 met. After termination was implemented, the Tribe
13 lost its lands and was left without any means of sup-
14 porting itself.

15 (8) In 1987, the Tribe joined three other tribes
16 in a lawsuit against the United States challenging
17 the illegal termination of their Rancherias. A Stipu-
18 lated Judgment in the case, *Scotts Valley Band of*
19 *Pomo Indians of the Sugar Bowl Rancheria v.*
20 *United States*, No. C-86-3660 (N.D.Cal. March 22,
21 1991), restored the Lytton Rancheria to its status
22 as a federally recognized Indian tribe.

23 (9) The Stipulated Judgment agreed that the
24 Lytton Rancheria would have the “individual and
25 collective status and rights” which it had prior to its

1 termination and expressly contemplated the acqui-
2 sition of trust lands for the Lytton Rancheria.

3 (10) The Stipulated Judgment contains provi-
4 sions, included at the request of the local county
5 governments and neighboring landowners, that pro-
6 hibit the Lytton Rancheria from exercising its full
7 Federal rights on its original homeland in the Alex-
8 ander Valley.

9 (11) In 2000, approximately 9.5 acres of land
10 in San Pablo, California, was placed in trust status
11 for the Lytton Rancheria for economic development
12 purposes.

13 (12) The Tribe has since acquired, from willing
14 sellers at fair market value, property in Sonoma
15 County near the Tribe's historic Rancheria. This
16 property, which the Tribe holds in fee status, is suit-
17 able for a new homeland for the Tribe.

18 (13) On a portion of the land to be taken into
19 trust, which portion totals approximately 124.12
20 acres, the Tribe plans to build housing for its mem-
21 bers and governmental and community facilities.

22 (14) A portion of the land to be taken into
23 trust is being used for viticulture, and the Tribe in-
24 tends to develop more of the lands to be taken into
25 trust for viticulture. The Tribe's investment in the

1 ongoing viticulture operation has reinvigorated the
2 vineyards, which are producing high-quality wines.
3 The Tribe is operating its vineyards on a sustainable
4 basis and is working toward certification of sustain-
5 ability.

6 (15) No gaming will be conducted on the lands
7 to be taken into trust.

8 (16) By directing that these lands be taken into
9 trust, the United States will ensure that the Lytton
10 Rancheria will finally have a permanently protected
11 homeland on which they can once again live
12 communally and plan for future generations. This
13 action is necessary to fully restore the Tribe to the
14 status it had before it was wrongfully terminated in
15 1961.

16 (17) The Tribe and County of Sonoma have en-
17 tered into a Memorandum of Agreement in which
18 the County agrees to the lands in the County being
19 taken into trust for the benefit of the Tribe in con-
20 sideration for commitments made by the Tribe.

21 **SEC. 3. DEFINITIONS.**

22 For the purpose of this Act, the following definitions
23 apply:

24 (1) COUNTY.—The term “County” means
25 Sonoma County, California.

1 (2) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 (3) TRIBE.—The term “Tribe” means the
4 Lytton Rancheria of California.

5 **SEC. 4. LANDS TO BE TAKEN INTO TRUST.**

6 (a) IN GENERAL.—The land owned by the Tribe and
7 generally depicted on the map titled “Lytton Fee Owned
8 Property to be Taken into Trust” and dated May 1, 2015,
9 is hereby taken into trust for the benefit of the Tribe, sub-
10 ject to valid existing rights, contracts, and management
11 agreements related to easements and rights-of-way.

12 (b) LANDS TO BE MADE PART OF THE RESERVA-
13 TION.—Lands taken into trust under subsection (a) shall
14 be part of the Tribe’s reservation and shall be adminis-
15 tered in accordance with the laws and regulations gen-
16 erally applicable to property held in trust by the United
17 States for an Indian tribe.

18 **SEC. 5. GAMING PROHIBITION.**

19 Land taken into trust for the benefit of the Tribe
20 under this Act shall not be used for gaming under the
21 Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

22 **SEC. 6. APPLICABILITY OF CERTAIN LAW.**

23 Notwithstanding any other provision of law, the
24 Memorandum of Agreement entered into by the Tribe and
25 the County concerning taking land in the County into

1 trust for the benefit of the Tribe, which was approved by
2 the County Board of Supervisors on March 10, 2015, is
3 not subject to review or approval of the Secretary in order
4 to be effective, including review or approval under section
5 2103 of the Revised Statutes (25 U.S.C. 81).

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