

Union Calendar No. 139

115TH CONGRESS
1ST SESSION

H. R. 597

[Report No. 115-202]

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

JANUARY 20, 2017

Mr. DENHAM introduced the following bill; which was referred to the
Committee on Natural Resources

JULY 11, 2017

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

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 2017”.

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
11 1958. The Tribe was restored to Federal recognition
12 in 1991, but the conditions of its restoration have
13 prevented it from regaining a homeland on its origi-
14 nal lands.

15 (2) Congress needs to take action to reverse
16 historic injustices that befell the Tribe and have pre-
17 vented it from regaining a viable homeland for its
18 people.

19 (3) Prior to European contact there were as
20 many as 350,000 Indians living in what is now the
21 State of California. By the turn of the 19th century,
22 that number had been reduced to approximately
23 15,000 individuals, many of them homeless and liv-
24 ing in scattered bands and communities.

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

7 (5) After the Lytton Rancheria lands were pur-
8 chased by the United States, the Tribe settled on
9 the land and sustained itself for several decades by
10 farming and ranching.

11 (6) By the mid-1950s, Federal Indian policy
12 had shifted back towards a policy of terminating In-
13 dian tribes. In 1958, Congress enacted the
14 Rancheria Act of 1958 (72 Stat. 619), which slated
15 41 Rancherias in California, including the Lytton
16 Rancheria, for termination after certain conditions
17 were met.

18 (7) On August 1, 1961, the Lytton Rancheria
19 was terminated by the Federal Government. This
20 termination was illegal because the conditions for
21 termination under the Rancheria Act had never been
22 met. After termination was implemented, the Tribe
23 lost its lands and was left without any means of sup-
24 porting itself.

1 (8) In 1987, the Tribe joined three other tribes
2 in a lawsuit against the United States challenging
3 the illegal termination of their Rancherias. A Stipu-
4 lated Judgment in the case, Scotts Valley Band of
5 Pomo Indians of the Sugar Bowl Rancheria v.
6 United States, No. C-86-3660 (N.D.Cal. March 22,
7 1991), restored the Lytton Rancheria to its status
8 as a federally recognized Indian tribe.

9 (9) The Stipulated Judgment agreed that the
10 Lytton Rancheria would have the “individual and
11 collective status and rights” which it had prior to its
12 termination and expressly contemplated the acquisi-
13 tion of trust lands for the Lytton Rancheria.

14 (10) The Stipulated Judgment contains provi-
15 sions, included at the request of the local county
16 governments and neighboring landowners, that pro-
17 hibit the Lytton Rancheria from exercising its full
18 Federal rights on its original homeland in the Alex-
19 ander Valley.

20 (11) In 2000, approximately 9.5 acres of land
21 in San Pablo, California, was placed in trust status
22 for the Lytton Rancheria for economic development
23 purposes.

24 (12) The Tribe has since acquired, from willing
25 sellers at fair market value, property in Sonoma

1 County near the Tribe's historic Rancheria. This
2 property, which the Tribe holds in fee status, is suit-
3 able for a new homeland for the Tribe.

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

8 (14) A portion of the land to be taken into
9 trust is being used for viticulture, and the Tribe in-
10 tends to develop more of the lands to be taken into
11 trust for viticulture. The Tribe's investment in the
12 ongoing viticulture operation has reinvigorated the
13 vineyards, which are producing high-quality wines.
14 The Tribe is operating its vineyards on a sustainable
15 basis and is working toward certification of sustain-
16 ability.

17 (15) No gaming shall be conducted on the lands
18 to be taken into trust by this Act.

19 (16) No gaming shall be conducted on any
20 lands taken into trust on behalf of the Tribe in
21 Sonoma County after the date of the enactment of
22 this Act north of a line that runs in a cardinal east
23 and west direction from the point where Highway
24 Route 12 crosses Highway 101 as they are phys-
25 ically on the ground and used for transportation on

1 January 1, 2016, and extending to the furthest ex-
2 tent of Sonoma County.

3 (17) Any agreement, now or in the future, re-
4 garding gaming restrictions between Sonoma County
5 and the Tribe will be effective without further review
6 by the Bureau of Indian Affairs.

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

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

20 **SEC. 3. DEFINITIONS.**

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

23 (1) COUNTY.—The term “County” means
24 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.**

19 (a) LANDS TAKEN INTO TRUST UNDER THIS ACT.—
20 Lands taken into trust for the benefit of the Tribe under
21 section 4 shall not be eligible for gaming under the Indian
22 Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

23 (b) OTHER LANDS TAKEN INTO TRUST.—

24 (1) TIME-LIMITED PROHIBITION.—Lands taken
25 into trust for the benefit of the Tribe in Sonoma

1 County after the date of the enactment of this Act
2 shall not be eligible for gaming under the Indian
3 Gaming Regulatory Act (25 U.S.C. 2710 et seq.)
4 until after March 15, 2037.

5 (2) PERMANENT PROHIBITION.—Notwith-
6 standing paragraph (1), lands located north of a line
7 that runs in a cardinal east and west direction and
8 is defined by California State Highway Route 12 as
9 it crosses through Sonoma County at Highway 101
10 as they are physically on the ground and used for
11 transportation on January 1, 2016, and extending to
12 the furthest extent of Sonoma County shall not be
13 eligible for gaming under the Indian Gaming Regu-
14 latory Act (25 U.S.C. 2710 et seq.).

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

16 Notwithstanding any other provision of law, the
17 Memorandum of Agreement entered into by the Tribe and
18 the County concerning taking land in the County into
19 trust for the benefit of the Tribe, which was approved by
20 the County Board of Supervisors on March 10, 2015, and
21 any addenda and supplement thereto, is not subject to re-
22 view or approval of the Secretary in order to be effective,
23 including review or approval under section 2103 of the Re-
24 vised Statutes (25 U.S.C. 81).

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