

Calendar No. 625

115TH CONGRESS
2D SESSION

H. R. 597

[Report No. 115-344]

IN THE SENATE OF THE UNITED STATES

JULY 12, 2017

Received; read twice and referred to the Committee on Indian Affairs

OCTOBER 5, 2018

Reported by Mr. HOEVEN, without amendment

AN ACT

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:

1 (1) The Lytton Rancheria of California is a fed-
2 erally recognized Indian tribe that lost its homeland
3 after it was unjustly and unlawfully terminated in
4 1958. The Tribe was restored to Federal recognition
5 in 1991, but the conditions of its restoration have
6 prevented it from regaining a homeland on its origi-
7 nal lands.

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

12 (3) Prior to European contact there were as
13 many as 350,000 Indians living in what is now the
14 State of California. By the turn of the 19th century,
15 that number had been reduced to approximately
16 15,000 individuals, many of them homeless and liv-
17 ing in scattered bands and communities.

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

24 (5) After the Lytton Rancheria lands were pur-
25 chased by the United States, the Tribe settled on

1 the land and sustained itself for several decades by
2 farming and ranching.

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

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

17 (8) In 1987, the Tribe joined three other tribes
18 in a lawsuit against the United States challenging
19 the illegal termination of their Rancherias. A Stipu-
20 lated Judgment in the case, Scotts Valley Band of
21 Pomo Indians of the Sugar Bowl Rancheria v.
22 United States, No. C-86-3660 (N.D.Cal. March 22,
23 1991), restored the Lytton Rancheria to its status
24 as a federally recognized Indian tribe.

1 (9) The Stipulated Judgment agreed that the
2 Lytton Rancheria would have the “individual and
3 collective status and rights” which it had prior to its
4 termination and expressly contemplated the acqui-
5 sition of trust lands for the Lytton Rancheria.

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

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

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

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

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

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

12 (16) No gaming shall be conducted on any
13 lands taken into trust on behalf of the Tribe in
14 Sonoma County after the date of the enactment of
15 this Act north of a line that runs in a cardinal east
16 and west direction from the point where Highway
17 Route 12 crosses Highway 101 as they are phys-
18 ically on the ground and used for transportation on
19 January 1, 2016, and extending to the furthest ex-
20 tent of Sonoma County.

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

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

9 (19) The Tribe and County of Sonoma have en-
10 tered into a Memorandum of Agreement in which
11 the County agrees to the lands in the County being
12 taken into trust for the benefit of the Tribe in con-
13 sideration for commitments made by the Tribe.

14 **SEC. 3. DEFINITIONS.**

15 For the purpose of this Act, the following definitions
16 apply:

17 (1) COUNTY.—The term “County” means
18 Sonoma County, California.

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

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

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

24 (a) IN GENERAL.—The land owned by the Tribe and
25 generally depicted on the map titled “Lytton Fee Owned

1 Property to be Taken into Trust” and dated May 1, 2015,
2 is hereby taken into trust for the benefit of the Tribe, sub-
3 ject to valid existing rights, contracts, and management
4 agreements related to easements and rights-of-way.

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

11 **SEC. 5. GAMING.**

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

16 (b) OTHER LANDS TAKEN INTO TRUST.—

17 (1) TIME-LIMITED PROHIBITION.—Lands taken
18 into trust for the benefit of the Tribe in Sonoma
19 County after the date of the enactment of this Act
20 shall not be eligible for gaming under the Indian
21 Gaming Regulatory Act (25 U.S.C. 2710 et seq.)
22 until after March 15, 2037.

23 (2) PERMANENT PROHIBITION.—Notwith-
24 standing paragraph (1), lands located north of a line
25 that runs in a cardinal east and west direction and

1 is defined by California State Highway Route 12 as
2 it crosses through Sonoma County at Highway 101
3 as they are physically on the ground and used for
4 transportation on January 1, 2016, and extending to
5 the furthest extent of Sonoma County shall not be
6 eligible for gaming under the Indian Gaming Regu-
7 latory Act (25 U.S.C. 2710 et seq.).

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

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

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