

House Subcommittee on Indian, Insular and Alaska Native Affairs

Don Young, Chairman

Hearing Memo

June 15, 2015

To: Natural Resources Committee Members

From: Majority Staff, Subcommittee on Indian, Insular, and Alaska Native Affairs

Subject: Legislative hearing on H.R. 2538 (Rep. Jared Huffman), the “*Lytton Rancheria Homelands Act of 2015*”

The Subcommittee will hold a Legislative Hearing on **Wednesday, June 17, 2015, at 11:00 a.m. in Room 1324 Longworth HOB** on H.R. 2538.

Summary of the Bill:

H.R. 2538, the “*Lytton Rancheria Homelands Act of 2015*,” was introduced by Rep. Huffman on May 21, 2015 and has been referred to the Subcommittee on Indian, Insular and Alaska Native Affairs. The bill would take into trust approximately 511 acres of non-contiguous fee land owned by the Lytton Rancheria adjacent to the town Windsor, CA (Sonoma County, CA). Under the bill, gaming under the Indian Gaming Regulatory Act¹ is prohibited on these lands. Two maps of the lands to be taken into trust are attached to this hearing memo.

Cosponsors:

Rep. Jeff Denham as an original cosponsor, and Rep. Mike Thompson.

Background:

The Lyttons are a federally recognized tribe of approximately 220 members. From the late 1930s to the late 1950s, the Lyttons were composed of the descendants of two families and lived on the 50 acre Lytton Rancheria in Sonoma County's Alexander Valley, about 80 miles from the City of San Pablo in the San Francisco Bay Area. The original 50 acre Rancheria was established under the Landless and Homeless Indian Act in 1926. During the termination policy era of the 1950s, Congress terminated the Rancheria, along with other Rancherias, under the Rancheria Act of 1958.² Subsequently, Rancheria land and title was transferred to individual members, who sold the land to non-Indians.

In the 1980s, aided by the California Indian Legal Services, the Lytton's joined a lawsuit against the Bureau of Indian Affairs challenging the congressional termination. In 1991, the U.S. District Court for Northern California approved a Stipulated Settlement negotiated between the

¹ 25 U.S.C. 2701 et seq.

² See 72 Stat. 619.

government and a number of terminated Rancherias to recognize the Rancherias as tribes. The settlement did not return the original Rancheria to them or provide any land. The court did, however, issue a Stipulated Judgement providing for a future lands for the tribe; however, the judgment only contemplates future trust acquisitions in Sonoma County, CA.³ Restrictions were placed on land acquisitions by the Tribe in Alexander Valley and within the original Rancheria boundaries at the insistence of Sonoma County. These restrictions were to require the Tribe to follow the Sonoma County General Plan within Alexander Valley.

In the final days of the 106th Congress, H.R. 5528, the Omnibus Indian Advancement Act⁴ was enacted into law which included language that placed approximately 9.5 acres of land into trust for the Lytton Rancheria in San Pablo, CA (Contra Costa County, CA) for the purposes of gaming. After acquiring the land in trust, the Lytton's converted an old cardroom into a casino.

In recent years, the Tribe has purchased a number of parcels just outside the city limits of Windsor, CA in Sonoma, County, CA totaling close to \$47 million. In 2009, the Rancheria applied to have approximately 127 acres of fee land placed into trust. The application is still pending with the Department of the Interior. The tribe intends to use a portion of the lands for tribal housing, while the rest would serve for a diverse range of economic development including plans for a future resort and winery.

Local Stakeholder Agreements

The Lytton Rancheria currently has Memoranda of Agreement (MOA) with the County of Sonoma. The Tribe has agreed to mitigate any impacts of development of trust lands might have on the surrounding communities and agreed to make substantial continuous payments to the County to fund this obligation for the loss of tax revenue should the lands be placed in trust.

In addition to an MOA with the County of Sonoma, Lytton Rancheria has also entered into agreements with the local school district, the local fire department and is working with the City of Windsor to ensure appropriate water and sewer hookup. The Tribe has agreed to provide substantial financial support to fund local priorities. The Tribe has agreed to pay the County \$6 million to mitigate the impact, among other things, of loss of trees in the housing area. This agreement would be subject to renewal in 2037. The Tribe has further agreed to make continuous, yearly payments to the County based on the assessed value of tribal land, and will pay to the County 9% of fees collected for the rental of hotel rooms or vacation homes.

Analysis of H.R. 2538

H.R. 2538 would place approximately 511 acres of non-contiguous fee land owned by the Rancheria in trust, subject to valid and existing rights, contracts, and management agreements. Under the bill, gaming under the Indian Gaming Regulatory Act is prohibited on these lands. The

³ *Scotts Valley Band of Pomo Indians of the Sugar Bowl Rancheria v. United States*. No. C-86-3660 (N.D. Cal. 1991).

⁴ See P.L. 106-568.

MOA dated March 10, 2015, entered into between the Tribe and the County concerning the taking of land into trust, is not subject to review or approval by the Secretary to be in effect.

Witnesses:

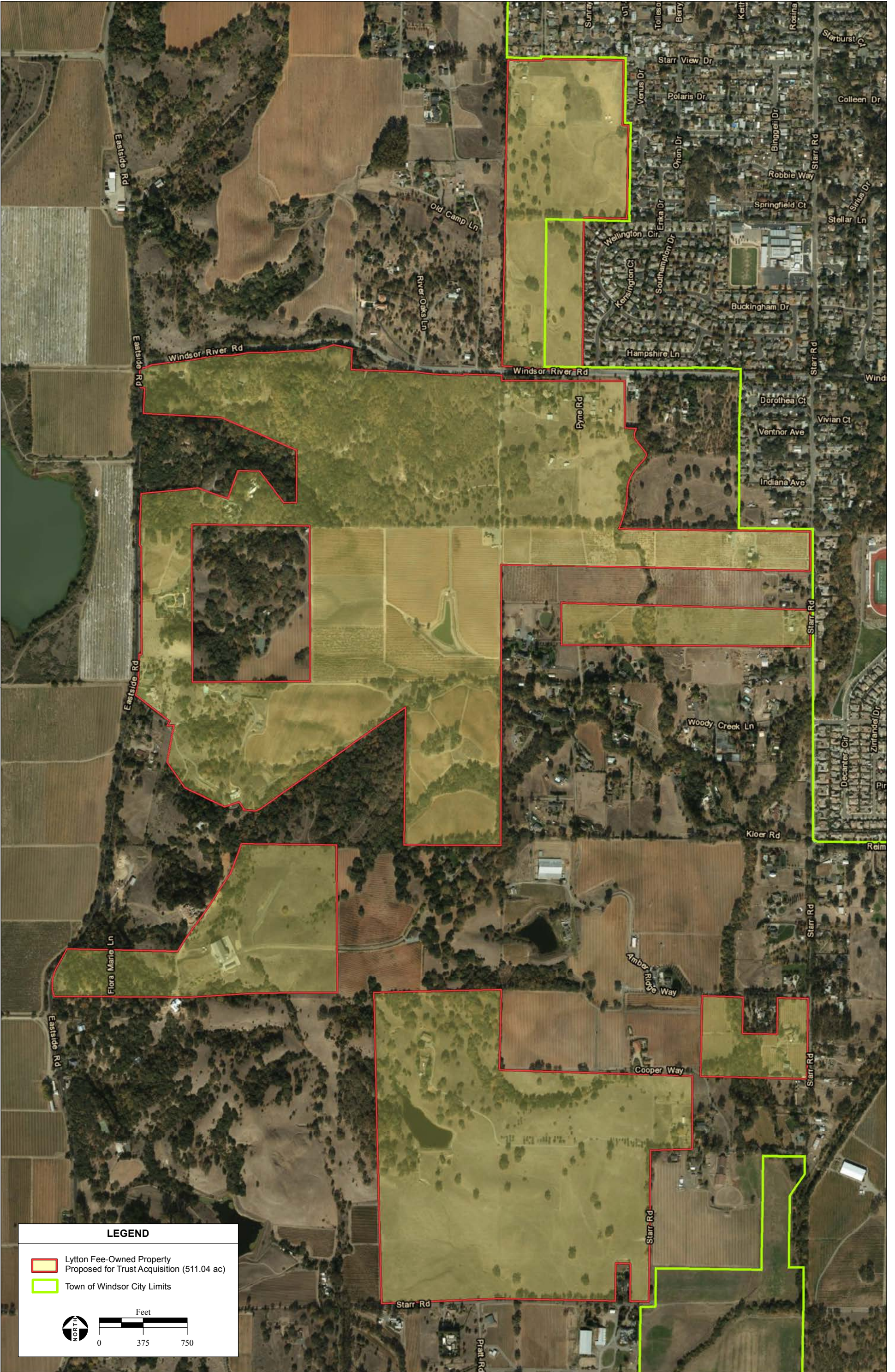
Mr. Mike Black, Director,
Bureau of Indian Affairs,
U.S. Department of the Interior,
Washington, D.C.

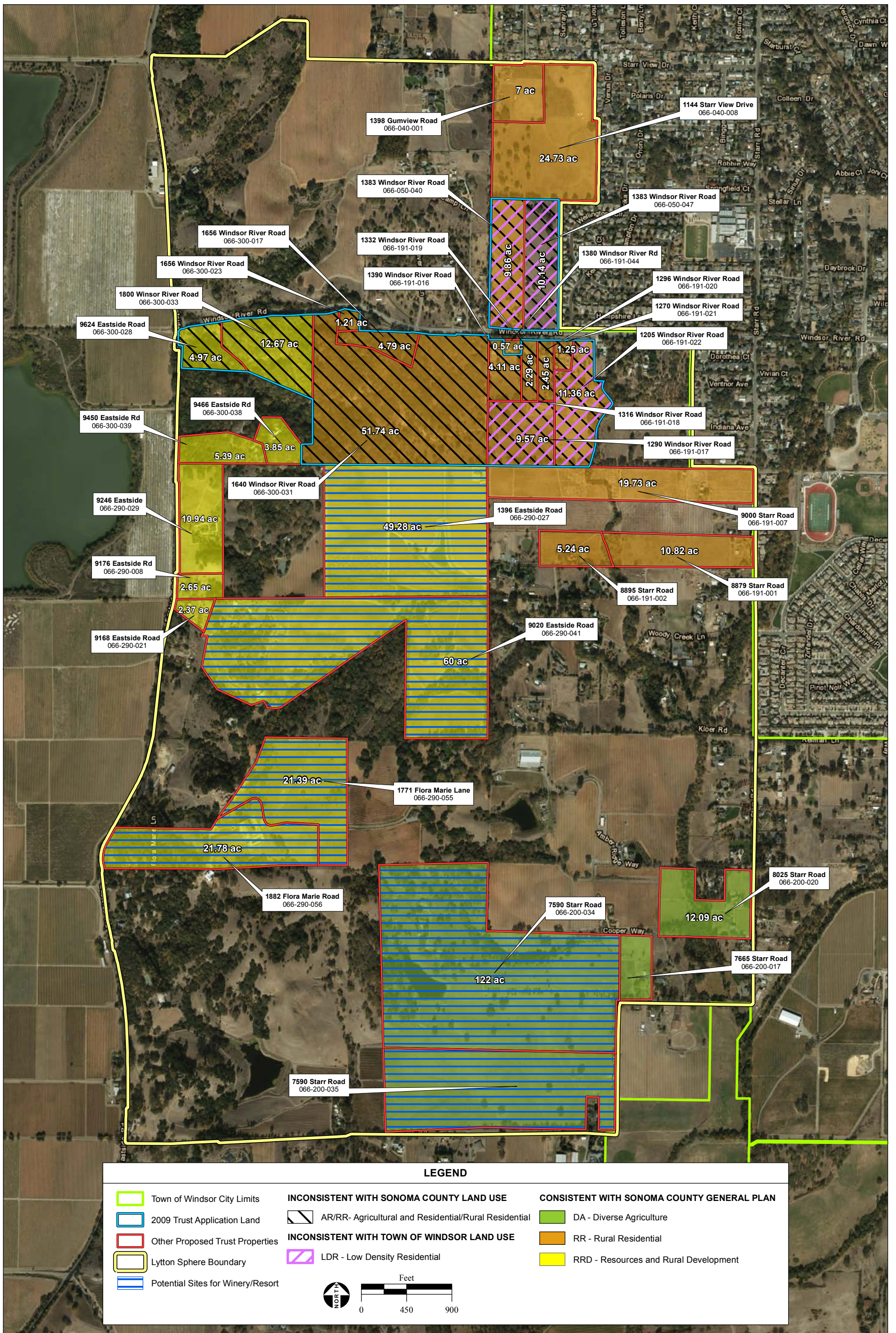
The Honorable Margie Mejia, Chairwoman
Lytton Rancheria
Santa Rose, CA

The Honorable Bruce Okrepkie, Mayor (Invited)
Town of Windsor, CA

The Honorable Susan Gorin, Chair (Invited)
Sonoma County Board of Supervisors
Santa Rosa, CA

Lytton Fee Owned Property to be Taken into Trust - May 1, 2015





LEGEND

Town of Windsor City Limits	INCONSISTENT WITH SONOMA COUNTY LAND USE	CONSISTENT WITH SONOMA COUNTY GENERAL PLAN
2009 Trust Application Land	AR/RR- Agricultural and Residential/Rural Residential	DA - Diverse Agriculture
Other Proposed Trust Properties	INCONSISTENT WITH TOWN OF WINDSOR LAND USE	RR - Rural Residential
Lytton Sphere Boundary	LDR - Low Density Residential	RRD - Resources and Rural Development
Potential Sites for Winery/Resort		