

Committee on Natural Resources

Rob Bishop, Chairman

Markup Memorandum

October 5, 2015

To: All Natural Resources Committee Members

From: Majority Committee Staff, Subcommittee on Indians, Insular and Alaska Native Affairs x6-9725

Mark-Up: Mark-up on H.R. 2212 (Rep. LaMalfa), To take certain Federal lands located in Lassen County, California, into trust for the benefit of the Susanville Indian Rancheria, and for other purposes.
October 7 and 8, 2015

Summary of the bill:

H.R. 2212 was introduced by Rep. LaMalfa on January 13, 2015 and was referred to the Subcommittee on Indian, Insular and Alaska Native Affairs. The bill would direct the Secretary of the Interior to take into trust approximately 300 acres of adjacent Bureau of Land Management (BLM) managed lands for the Susanville Indian Rancheria. Under the bill, class II and class III gaming under the Indian Gaming Regulatory Act¹ is prohibited on these lands.

Cosponsors:

Rep. Norma Torres (CA-35)

Background:

The Susanville Indian Rancheria is located in northeastern California at the juncture of the Cascade Range and the Sierra Nevada mountains. The original Rancheria was created under the Landless and Homeless Indian Act in 1923 when the U.S. purchased 30 acres in Lassen County, California. The Rancheria was a nontribal specific assignment, though members of the Susanville community claim tribal associations to the Maidu, Paiute, Pit River, and Washoe tribes of California.

The tribe elected to charter under the authority of the Indian Reorganization Act of 1934 and in 1969 the Secretary of the Interior approved the initial Rancheria Constitution and Bylaws.

Under PL 95-459, Congress placed 120 acres of land in trust for the Rancheria. With additions to the tribe's land base, today the Rancheria has approximately 1,101 acres held in trust and 240 acres of fee land in six locations.

¹ 25 U.S.C. 2701 et seq.

In 2005, the local BLM office at Eagle Lake identified a 300-acre parcel labeled as suitable for disposal and in 2007 the BLM included the parcel its proposed Resource Management Plan and Final Environmental Impact Statement.² The 300-acre parcel, which is adjacent to existing tribal lands, is isolated from other BLM managed lands and has become difficult for BLM to continue to manage.

The Rancheria has indicated that if H.R. 2212 is enacted, the tribe will build a recreational area, Pow Wow grounds, and cultural center and museum. The local BLM field office has expressed a commitment to assist with the land transfer provided under this bill.

Analysis of H.R. 2212:

H.R. 2212 directs the Secretary of the Interior to take approximately 300 acres of public land administered by the BLM into trust for the Susanville Indian Rancheria. The transfer of the BLM lands into trust would be subject to valid existing rights and management agreements related to easements and rights-of-way. Additionally, under the bill, class II and class III gaming under the Indian Gaming Regulatory Act is prohibited on these lands. The legislation is necessary as the Department of the Interior does not have the authority to transfer public land in trust for a tribe.

Cost:

The committee has not received an official CBO score for H.R. 2212, however, it is unlikely the bill would have an impact on the federal budget.

Administration Position:

The Administration supports H.R. 2212.

Anticipated Amendments:

Rep. LaMalfa will be offering an amendment which will insert the date of the map referenced in the bill. The amendment will additionally remove language from the bill which would have transferred any improvements or appurtenances on the land placed into trust. These changes are in response to concerns raised by the Administration at the June 10, 2015 hearing on the bill.

² See <http://www.blm.gov/ca/st/en/fo/eaglelake/propRMP-FEIS.html>