

Subcommittee on Indian, Insular, and Alaska Native Affairs

Don Young, Chairman

Hearing Memorandum

November 2, 2015

To: Subcommittee on Indian, Insular and Alaska Native Affairs Committee Members

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

Hearing: Legislative hearing on H.R. 3079 (Rep. Tom McClintock), To take certain Federal land located in Tuolumne County, California, into trust for the benefit of the Tuolumne Band of Me-Wuk Indians, and for other purposes.
Wednesday, November 4, 2015, at 2:00 p.m. in 1324 LHOB.

Summary of the bill

H.R. 3079 was introduced by Rep. Tom McClintock (CA-4) on July 15, 2015. The bill would transfer two 40 acre parcels of U.S. Forest Service managed land located within the boundaries of the Stanislaus National Forest in California, to be held in trust for the benefit of the Tuolumne Band of Me-Wuk Indians. Gaming under the Indian Gaming Regulatory Act¹ would be prohibited on these lands to be taken into trust under the bill. A map of the 80 acres to be placed in trust is attached to this memorandum.

Witnesses

Mr. Glenn Casamassa, Associate Deputy Chief,
National Forest Systems
U.S. Forest Service
U.S. Department of Agriculture
Washington, D.C.

The Honorable Kevin Day, Chairman
Tuolumne Band of Me-Wuk Indians
Tuolumne, CA

Background

The Tuolumne Band of Me-Wuk Indians and Tuolumne Rancheria is a small California tribe located in east-central California, in the western foothills of the Sierra Nevada in Tuolumne County, California. According to the Tribe, there are currently around 400 members, with about half of its tribal members residing on the Rancheria.

¹ 25 U.S.C. 2701 et. seq.

The original Rancheria of 289.52 acres was purchased on October 25, 1910, under the authority of the Acts of June 21, 1906² and April 30, 1908.³ In 1912 President Taft issued an Executive Order to add an additional 33 acres to the Rancheria. In the 111th Congress, H.R. 146 was enacted, which placed 423 acres into trust for the tribe.⁴

Today the tribal land consists of over 1,700 acres of fee and trust land. As part of the 1,700 acres, the Tribe owns in fee simple the “Murphy Ranch” (“Ranch”).⁵ The Ranch was purchased by the Tribe to protect and preserve its traditional ancestral lands, and to ensure that the environment and wildlife of the area is protected. In 2013, the Tribe designated the Ranch as a permanent conservation area, and the Tribe is currently in the process of requesting that the Ranch be taken into federal trust and incorporated into the Reservation.⁶

To the north of the Ranch is another private ranch, owned by the Edward Ingalls Trust. Situated between both ranches are two forty acre land locked Forest Service parcels. These two parcels are contiguous to the Ranch and the Ingalls Trust Ranch.

If the Tribe successfully acquires the two parcels they will be incorporated into the Ranch and designated as part of the 2013 permanent conservation area.⁷ The parcels will be inventoried by the Tribe for cultural and natural resources, as well as for the land’s wildlife habitat. According to the tribe, once the findings of the inventory are complete, the Tribe will decide what conservation activities will be appropriate for the parcels.

Legislative History

Senator Barbara Boxer (D-CA) introduced S. 1822 in the 114th Congress. The Senate bill is identical to H.R. 3079. On October 7, 2015, the Senate Committee on Indian Affairs conducted a hearing on S. 1822.⁸ The Senate bill was reported with an amendment favorably out of the committee on October 21, 2015. The Senate has taken no further action.

Major Provisions/Analysis of H.R. 3079

Section 1. Land Into Trust. Section 1 directs Secretary to place into trust federal land described in subsection (b).

Section 1(b). Land Description. Subsection (b) describes that the 80 acres to be transferred into trust for the tribe are located in the following sections of the Stanislaus National Forest and are broken down into two parcels:

² 34 Stat. 345.

³ 35 Stat. 71.

⁴ See P.L. 111-11, the Omnibus Public Land Management Act of 2009.

⁵ Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria Proposal For Federal Land Transfer. 25 Aug. 2015. Proposal. California, Tuolumne. Print.

⁶ *Id.*

⁷ *Id.*

⁸ See S. Hrg on 10.07.2015;< <http://www.indian.senate.gov/hearing/legislative-hearing-receive-testimony-following-bills-3>>

- Southwest 1/4 of Southwest 1/4 of Section 2, Township 1 North, Range 16 East.
- Northeast 1/4 of Northwest 1/4 of Section 11, Township 1 North, Range 16 East.

Section 1(c). Gaming. Subsection (c) makes clear that class II and class III gaming shall not be permitted at any time on the land taken into trust under Section 1(a).

Support for the Legislation:

The bill is supported by the Senators Boxer and Feinstein. Senator Barbara Boxer is the sponsor of an identical bill, S. 1822. The Tuolumne County Board of Supervisors has adopted a resolution of support. Last, Mr. Craig Ingalls has sent in a separate letter of support for the transfer.

Cost

The score for H.R. 3079 is unknown at this time, however committee staff anticipates it would have no effect on the budget.

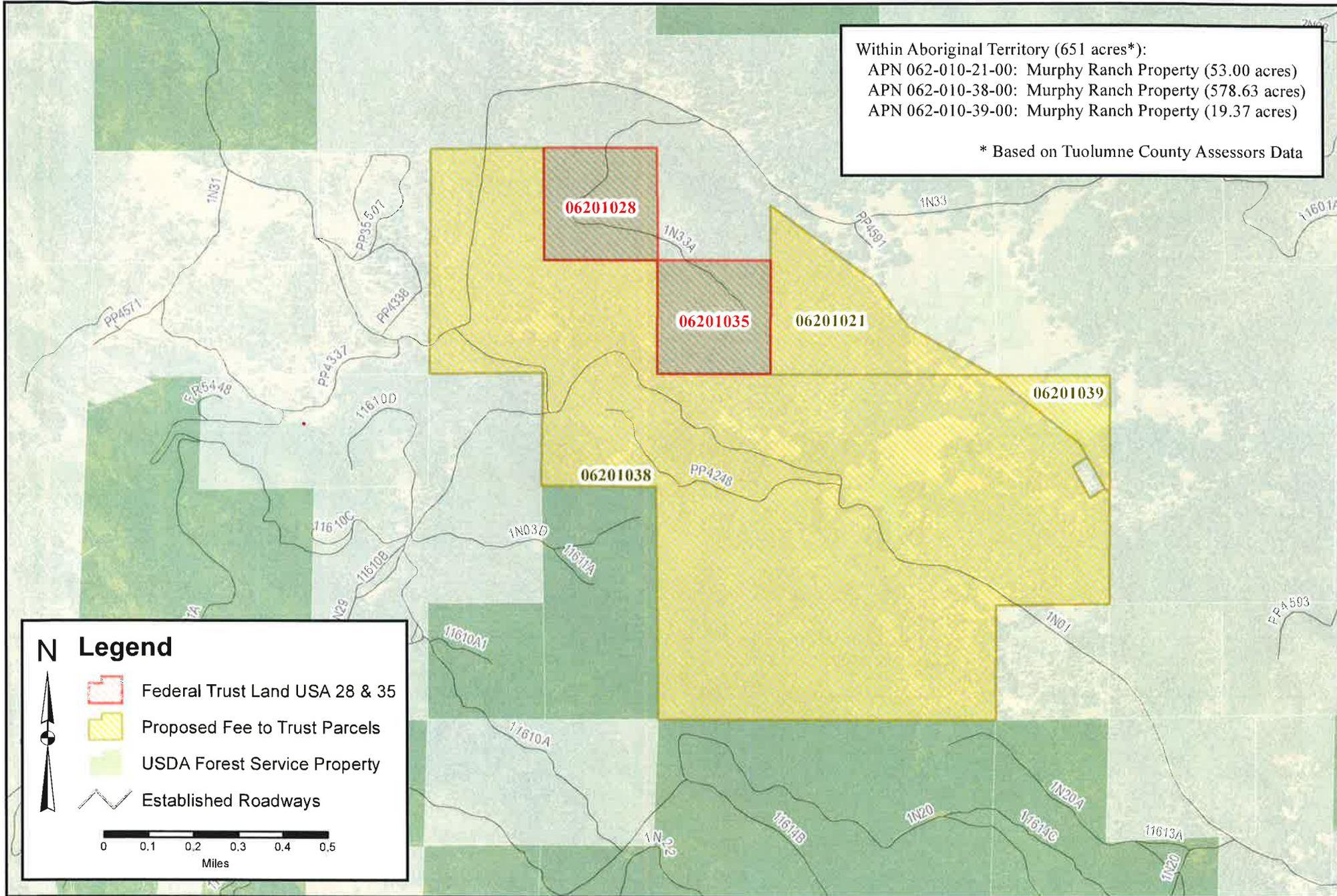
Administration's Position

On October 7, 2015, Associate Deputy Chief of the U.S. Forest Service, Glenn Casamassa testified before the Senate Committee on Indian Affairs that Administration does not oppose transfer.



TUOLUMNE BAND OF ME-WUK INDIANS

PROPOSED FEE TO TRUST LANDS - MURPHY RANCH PROPERTY



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