

Committee on Natural Resources

Rob Bishop, Chairman

Markup Memorandum

January 29, 2016

To: All Natural Resource Committee Members

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

Markup: Markup on H.R. 3079 (Rep. Tom McClintock, R-CA), 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
February 2-3, 2016 1324 Longworth HOB

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.

Cosponsors

None

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.

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

¹ 25 U.S.C. 2701 et. seq.

² 34 Stat. 345.

³ 35 Stat. 71.

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

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) and Senator Feinstein (D-CA) introduced identical bill, S. 1822, in the 114th Congress. On October 7, 2015, the Senate Committee on Indian Affairs held a hearing on S. 1822,⁸ and was subsequently ordered the bill to be reported with an amendment favorably 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:

- 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).

Cost

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 S.1822. October 7, 2015;< <http://www.indian.senate.gov/hearing/legislative-hearing-receive-testimony-following-bills-3>>.

The Natural Resource Committee has not received a score for H.R. 3079 however the identical senate bill was estimated by the CBO to not have an effect on the federal budget.⁹

Administration's Position

On November 4, 2015, Associate Deputy Chief of the U.S. Forest Service, Glenn Casamassa testified before the Subcommittee on Indian, Insular and Alaska Native Affairs that Administration does not oppose transfer.

Anticipated Amendment:

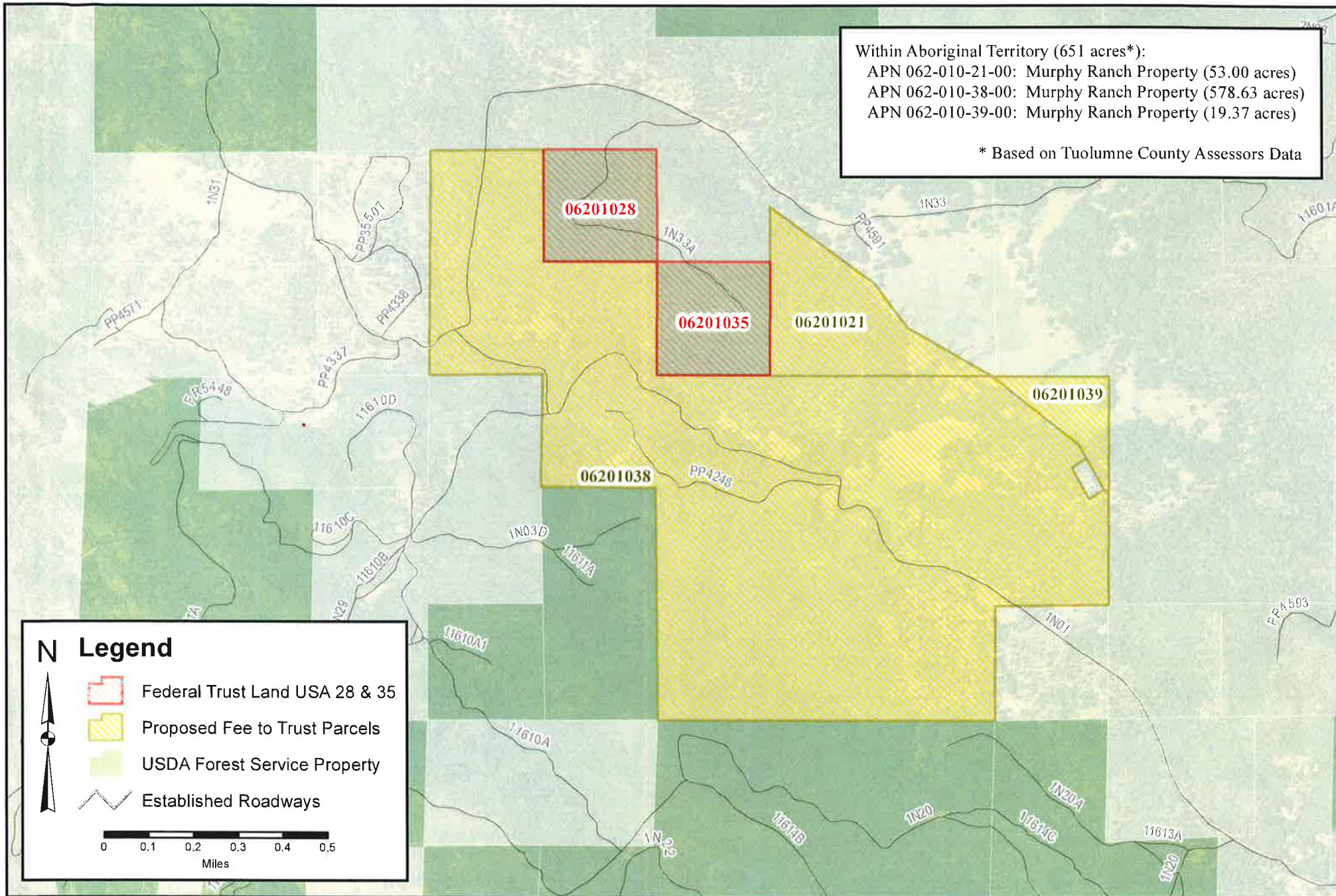
At the November 4, 2015 hearing on the bill, the U.S. Forest Service recommended a technical change to legal description of the land to be transferred to the bill. This correction will distinguish between the Mt. Diablo, San Bernardino and Humboldt meridians.

⁹ <https://www.cbo.gov/sites/default/files/114th-congress-2015-2016/costestimate/s1822.pdf>.



TUOLUMNE BAND OF ME-WUK INDIANS

PROPOSED FEE TO TRUST LANDS - MURPHY RANCH PROPERTY



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