

Subcommittee on Indian, Insular and Alaska Native Affairs

Don Young, Chairman
Hearing Memorandum

June 13, 2016

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

From: Majority Staff, Subcommittee on Indian, Insular and Alaska Native Affairs,
(x-6-9725)

Hearing: Legislative hearing on H.R. 4685 (Rep. Kevin McCarthy), To take certain Federal lands located in Tulare County, California, into trust for the benefit of the Tule River Indian Tribe, and for other purposes.

June 14, 2016, 11:00 a.m., 1334 Longworth HOB

H.R. 4685, “Tule River Indian Reservation Land Trust, Health, and Economic Development Act”

Summary of the Bill

H.R. 4685 was introduced by Rep. Kevin McCarthy on March 8, 2016. The bill would place approximately 34 acres of Bureau of Land Management (“BLM”) land in Tulare County, California, into trust for the benefit of the Tule River Tribe (“Tribe”). The 34 acres of federal land are adjacent to the tribe’s western reservation boundary. Gaming pursuant to the Indian Gaming Regulatory Act¹ would be prohibited on the lands placed into trust under this Act. The map referenced in the bill is attached to this memorandum.

Invited Witnesses

Ms. Cheryl Andrews-Maltais
Senior Advisor
Office of the Assistant Secretary—Indian Affairs
U.S. Department of the Interior
Washington, D.C.

The Honorable Kenneth McDarment
Vice Chairman, Tule River Tribe
Porterville, CA

Background

The Tule River reservation is located approximately 50 miles north of Bakersfield, CA. The reservation spans mountainous, forested foothills along the western edge of Sierra Nevada and is almost surrounded by the Sequoia National Forest.² The original reservation was established by President Grant by Executive Order on January 9, 1873, and expanded by

¹ 43 U.S.C. 869 et seq.

² Tiller’s Guide to Indian Country 3rd Edition. Veronica E. Valarde Tiller at 356 (2015).

Executive Order October 3, 1873. The expansion was later rescinded by an Executive Order in 1878 by President Hayes, and by an Act of May 17, 1928 an additional 1,240 acres were removed from the reservation.

In the 96th Congress, President Carter signed into law S. 1998³, which placed the 1,240 acres of Forest Service land removed by 1928 Act, into trust for the tribe to again be made part of the reservation.

H.R. 4685 would place into trust approximately 34 acres of adjacent BLM managed land along the western boundary of the reservation. The land is situated between tribal fee land (land owned by the tribe but not held in trust for them) and reservation land, and cut-off from other federal lands in the vicinity.

This bill will also be included in the Committee's June 14-15 markup calendar.

Analysis of H.R. 4685

Section 1. Short Title. Section 1 establishes the short title of the bill as the Tule River Reservation Land Trust, Health, and Economic Development Act.

Section 2. Lands to be taken into trust. Subsection (a) provides that 34 acres of Federal lands depicted on a map dated May 14, 2015 be held in trust for the Tule River Tribe.

Subsection (b). Easements and Right-of-Way. Subsection (b) provides that any application for an easement or right-of-way application pending with the BLM at the date of enactment is considered a valid, existing right under subsection (a).

Subsection (c). Availability of Map. Subsection (c) provides that the map referenced in subsection (a) is available to the public and on file in the California BLM State Director office.

Subsection (d). Conversion of Valid Existing Rights. Subsection (d) provides that any person with a good faith valid existing right on the federal lands prior to being placed into trust, may continue to exercise use until the Secretary makes a determination on an application for an easement or right-of-way. Any person claiming a valid existing right has 60 days to submit an application, and if the Secretary does not grant or deny an application within 180 days, the application is deemed approved.

Subsection (e). Restriction on Gaming. Subsection (e) provides that the lands taken into trust under subsection (a) may not be used for gaming pursuant to the Indian Gaming Regulatory Act.

Cost:

Preliminary CBO analysis indicates zero cost.

Administration Position: Supports.

³ 94 Stat. 1067.