

**Testimony  
Of  
Darryl LaCounte  
Acting Deputy Bureau Director-Trust Services  
United States Department of the Interior  
Before the  
Senate Committee on Indian Affairs  
On  
H.R. 597, “The Lytton Rancheria Homelands Act of 2017”**

**April 25, 2018**

Chairman Hoeven, Vice Chairman Udall, and members of the Committee, my name is Darryl LaCounte and I am the Acting Deputy Bureau Director-Trust Services at the Department of the Interior. Thank you for the opportunity to present the Department’s views on H.R. 597, the Lytton Rancheria Homelands Act of 2017.

The Department supports tribal self-determination, which at times includes tribes electing to voluntarily proscribe activities that may legally be conducted on their lands. Therefore, the Department supports the congressional efforts being made in H.R. 597. The bill will assure a homeland for the Lytton Rancheria of California (Tribe) where tribal housing, as well as governmental and community facilities, is needed and can be constructed. In addition, the lands will also provide economic opportunities, including the continued use of a portion of the lands for viticulture.

**Background**

The Lytton Rancheria Homelands Act of 2017 addresses the long history of Federal-Indian relations in California and provides for a viable homeland for the members of the Tribe. The Tribe’s original homeland was purchased in 1926 pursuant to congressional authority designed to remedy tragedy that befell the Indians of California. On August 1, 1961, the Tribe was terminated in accordance with the Rancheria Act of 1958. As a result of termination the Tribe lost their original homelands that were purchased in 1926.

In 1987, the Tribe joined other tribes in a lawsuit against the United States challenging their termination. Based on an agreement between the parties, in the case of *Scotts Valley Band of Pomo Indians of the Sugar Bowl Rancheria v. United States*, the Tribe was restored to federally recognized status. The Stipulated Judgment, however, contains provisions that prohibit the Tribe from exercising its federal rights on its original homelands. Through agreements in the Stipulated Judgment, the Tribe must depend on lands outside of their original homelands to support their government. The lands identified in H.R. 597 will ensure that the Lytton Rancheria has a permanent protected homeland as it enjoyed prior to termination. The ability for Tribes to acquire land in trust and the certainty that such lands remain in trust is an essential tool for fostering tribal self-determination.

**H.R. 597**

H.R. 597 will place approximately 511 acres of land into trust for the Tribe. Section 4 of H.R. 597 references a map titled “Lytton Fee Owned Property to be Taken into Trust” dated May 1, 2015, that identifies lands to be placed into trust for the Tribe pursuant to the bill. Under H.R. 597, once the land is in trust for the Tribe, valid existing rights, contracts, and management agreements related to easements and rights-of-way will remain. H.R. 597 also includes a restriction that the Tribe may not conduct any gaming activities on any land placed into trust pursuant to this Act and places a time prohibition on gaming on any future lands placed in trust in Sonoma County for the Tribe until March 15, 2037, an approximately 19-year prohibition.

H.R. 597 also references a Memorandum of Agreement between Sonoma County and the Tribe. The MOA affects not only the trust acquisition covered in the legislation but also future acquisitions and subjects the Tribe to the land use/zoning authority of the County for most of the property identified in the legislation for the term of the MOA, 22 years, and imposes negotiated restrictions on the Tribe's residential development. H.R. 597 also includes a permanent gaming prohibition on those lands located north of California State Highway Route 12 as it crosses through Sonoma County at Highway 101, and extending to the furthest extent of Sonoma County.

Administering trust lands is an important responsibility that the United States undertakes on behalf of Indian tribes. The Congress, through its plenary authority over Indian Affairs, can direct the Department to acquire and administer trust lands as it does in H.R. 597. The Department is also supportive of counties and tribes negotiating agreements to resolve their differences.

We understand that the Department of Justice may have technical comments on the bill.

**Conclusion**

In conclusion, The Departments supports tribal self-determination, which at times includes tribes electing to voluntarily proscribe activities that may legally be conducted on their lands. Therefore, we support the congressional goals embodied in H.R. 597, the Lytton Rancheria Homelands Act. I would be glad to answer any questions the Committee may have.