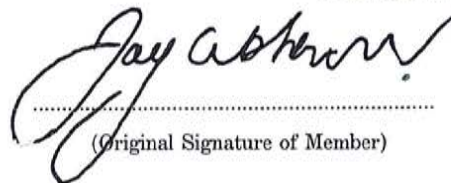


[116H8208]



(Original Signature of Member)

117TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To extend Federal recognition to the Mono Lake Kutzadika<sup>a</sup> Tribe, and  
for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. OBERNOLTE introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

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**A BILL**

To extend Federal recognition to the Mono Lake Kutzadika<sup>a</sup>  
Tribe, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Mono Lake Kutzadika<sup>a</sup>  
5 Tribe Recognition Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds as follows:

1           (1) The Mono Lake Kutzadika<sup>a</sup> Tribe has ex-  
2           isted for time immemorial in the Mono Basin of  
3           east-central California and adjacent Nevada.

4           (2) The Mono Lake Kutzadika<sup>a</sup> people were  
5           first encountered in 1825 by early trappers in the  
6           area, but were officially documented by the Federal  
7           Government in June 1852 by Army Lieutenant  
8           Tredwell Moore, who was in pursuit of hostile Indi-  
9           ans in the Yo-Ham-i-te (today “Yosemite”) Valley,  
10          and tracked them through a previously undiscovered  
11          pass through the Sierra Mountains that lead to  
12          Mono Lake. The pass was later named “Mono Pass”  
13          also known as “Tsadoba”, after the “Indians of that  
14          name”.

15          (3) The Tribe, like all tribes in California, was  
16          not the beneficiary of a reservation through the trea-  
17          ty process and remained landless and without Fed-  
18          eral protection in the wake of the California gold  
19          rush and other non-Indian encroachment into the  
20          Tribe’s aboriginal lands.

21          (4) In 1904, the plight of the Tribe was  
22          brought to the attention of the Committee on Indian  
23          Affairs by the Northern California Indian Associa-  
24          tion through a petition and extensive, but not ex-  
25          haustive, study documenting the landless Indians in

1 California. The study identified the numerous tribal  
2 communities in California who were in desperate  
3 need of land, as well as Federal support and protec-  
4 tion, and the Mono Lake Kutzadika<sup>a</sup> community was  
5 among those surveyed. As a result of the petition,  
6 Congress began to appropriate funding for the pur-  
7 chase of lands in California for the “homeless Indi-  
8 ans”.

9 (5) In 1907, historical members of the Tribe  
10 were issued individual allotted lands near Mono  
11 Lake under the General Allotment Act. In accord-  
12 ance to the General Allotment Act, allotted lands  
13 were only provided to Indians shown to be recog-  
14 nized or entitled to be recognized members of an  
15 “Indian tribe”. The Federal Government determined  
16 that Mono Lake Kutzadika<sup>a</sup> members met this cri-  
17 teria.

18 (6) In the early 1920s, the Los Angeles Depart-  
19 ment of Water and Power began purchasing lands  
20 throughout Inyo and Mono Counties in its effort to  
21 secure a reliable water supply for the expanding city  
22 of Los Angeles in southern California. The Mono  
23 Lake Kutzadika<sup>a</sup> allottees were not immune to the  
24 pressures of Los Angeles Department of Water and  
25 Power and were encouraged to sell their land, which



1 most did. However, Tribal members remained at  
2 Mono Lake working and living on local farms and in  
3 some cases squatting on Los Angeles Department of  
4 Water and Power or other Federal lands.

5 (7) Although Tribal members were once again  
6 landless, they remained under the jurisdiction of the  
7 Federal Government and appeared on the Bureau of  
8 Indian Affairs census records, their children at-  
9 tended Bureau of Indian Affairs boarding schools,  
10 and members received (and do today) health care  
11 services, and other Federal benefits and services.

12 (8) Federal representatives worked with the  
13 Tribe to no avail in the 1920s and 1930s to secure  
14 a land base, and these efforts are well documented  
15 in official Bureau of Indian Affairs correspondence  
16 and records.

17 (9) In June 1950, Tribal members submitted a  
18 petition to the Committee on Interior and Insular  
19 Affairs and the Subcommittee on Indian Affairs, re-  
20 questing an investigation into their living conditions.  
21 In the petition, they stated that they hoped that  
22 through an investigation, the agencies might "appro-  
23 priate, rehabilitate, or set aside land for us". H.R.  
24 Muskrat, a Bureau of Indian Affairs field represent-  
25 ative who investigated the conditions of Tribal mem-

1       bers, reported to J.M. Stewart, the Bureau of Indian  
2       Affairs Area Director for California, that there were  
3       no public lands available for the Tribe or its mem-  
4       bers, and all water resources were owned by the Los  
5       Angeles Department of Water and Power.

6           (10) On December 26, 1950, a formal petition  
7       was filed before the Indian Claims Commission on  
8       behalf of the Northern Paiute Nation, which in-  
9       cluded various individual Northern Paiute Indians  
10      and several reservation tribes, all located in Nevada.  
11      The original claim, designated as Docket No. 87, did  
12      not include California Paiute tribes from the Owens  
13      Valley, Mono Lake, Deep Springs Valley, or Fish  
14      Lake Valley. During the course of the liability phase  
15      of the trial, expert testimony was introduced cor-  
16      recting the oversight, and on August 8, 1951, an  
17      amended petition was filed that included the Tribe  
18      and other overlooked California Paiute Nations. Un-  
19      fortunately, the Commission awarded only meager  
20      compensation to individual members and did not  
21      provide lands to the Tribe.

22           (11) In 1955, the Tribe submitted a petition to  
23      State Senator Charles Brown of Sacramento, Cali-  
24      fornia, seeking to establish a reservation that in-  
25      cluded 66,000 acres of land. The petition rested on

1 a 1912 Presidential Executive order that had set  
2 aside lands for the Tribe and other tribes in Inyo  
3 and Mono County, but was later withdrawn because  
4 the original land identified was unsuitable. The  
5 Tribe's petition was again met with the statement  
6 that there was no land available for a reservation.

7 (12) Believing that recognition might lead to  
8 land for the Tribe, the Tribe submitted a letter of  
9 "Intent to Petition for Recognition" in 1976 to the  
10 Office of Federal Acknowledgment and began work-  
11 ing on a petition for recognition, an effort that con-  
12 tinues today.

13 (13) In 1977, the Tribe adopted formal Articles  
14 of Association to define its enrollment criteria and  
15 election of Tribal leaders.

16 (14) Also in 1977, the Tribe petitioned and was  
17 recognized by the BIA as an "adult Indian commu-  
18 nity of one-half degree of Indian blood" under the  
19 Indian Reorganization Act of 1934 (25 U.S.C. 5101  
20 et seq.). However, the Bureau of Indian Affairs  
21 made clear that this status did not give Federal rec-  
22 ognition to the Tribe. The status did solidify that  
23 Tribal members were recognized as "Indians" and  
24 entitled to Federal benefits and services.



1           (15) Even without formal Tribal recognition,  
2           the Tribe has remained a political force and the pro-  
3           tector of Mono Lake, Kutzapaa' which is at the cen-  
4           ter of the Tribe's culture and history and provided  
5           its ancestors with a critical food source. On March  
6           19, 1983, Jessie Durant, a revered Tribal elder, tes-  
7           tified before the Subcommittee on Public Lands and  
8           National Parks on the importance of Mono Lake to  
9           the Mono Lake people and culture. Mono Lake is  
10          now known as the Mono Lake Tufa State Natural  
11          Reserve thanks in large part to the efforts of the  
12          Tribe and the Mono Lake Foundation.

13          (16) On April 28, 1989, the Senate Select Com-  
14          mittee on Indian Affairs held hearings in Sac-  
15          ramento, California, on SB 611, a bill to Establish  
16          Administrative Procedures to Determine Status of  
17          Certain Indian Groups. Tribal member Richard  
18          Blaver was invited to and provided testimony on be-  
19          half of the Tribe on the difficulties encountered by  
20          tribes seeking recognition through the Bureau of In-  
21          dian Affairs' administrative acknowledgment proc-  
22          ess.

23          (17) The Federal agencies that now manage  
24          Federal lands, some of which are the ancestral lands  
25          of the Tribe, share a deep respect for the Tribe, and

1       acknowledge that the Kutzadika<sup>a</sup> members are the  
2       aboriginal people of the Mono Basin. Small examples  
3       can be seen from the Forest Service, that in 1991  
4       worked with the Tribe in protecting the Tribe's "In-  
5       dian" cemetery located in part on Forest Service  
6       lands.

7               (18) In 1993, the Forest Service hosted a dedi-  
8       cation in honor of the elders of the Kutzadika<sup>a</sup> Tribe  
9       by setting aside a grove of Jeffrey pine trees for tra-  
10      ditional purposes and designated the area as the  
11      Piaga Park. The Forest Service specifically dedi-  
12      cated the trees in "honor of the Mono Lake  
13      [Kutzadika<sup>a</sup>] Elders who have historically harvested  
14      the [Piaga] from the area".

15              (19) In 1996, the National Park Service issued  
16      a directive to all Yosemite Entrance Station per-  
17      sonnel informing them that members of the Tribe  
18      were to be granted entrance to the Yosemite Na-  
19      tional Park at no cost. More recent examples are the  
20      ongoing Federal, State, and county agencies con-  
21      sultations with the Tribe on proposed environmental  
22      projects, land management planning, and repatri-  
23      ation of Tribal funerary objects and artifacts under  
24      the Native American Graves Protection and Repatri-  
25      ation Act when encountered on Federal lands.



1           (20) In 2000, the Tribe partnered with the  
2 Mono County Board of Supervisors to seek funding  
3 to assist the county in completing a community cen-  
4 ter in Lee Vining, California. The Tribe was award-  
5 ed a State Community Development Block Grant  
6 from the California Native American Allocation for  
7 \$475,000, which was used to complete construction  
8 of the community center. In exchange for this con-  
9 tribution, the county has dedicated office space to  
10 the Tribe and a large meeting room for Tribal gen-  
11 eral council meetings, and the building is identified  
12 as the “Mono Lake Indian and Lee Vining Commu-  
13 nity Center”.

14           (21) In 2003, the Tribe adopted a Constitution  
15 and other governing documents to formalize its Trib-  
16 al Government structure, enrollment process, and  
17 elections of its leaders. Even without Federal finan-  
18 cial assistance to carry out its governmental func-  
19 tions or a land base, the Tribe remains a distinct  
20 community both politically and culturally. The Tribe  
21 works with its Federal, State, and county agency  
22 partners to protect cultural and sacred sites, the en-  
23 vironment, Mono Lake, and habitat. In recent years,  
24 the Tribe has established the “Mono Lake/Yosemite  
25 Traditional Walk”, which is the revitalization of the

1 walk their ancestors took from Mono Lake to Yo-  
2 semite in order to trade with and engage with family  
3 and neighboring tribes. The Tribe celebrates and  
4 honors their elders and veterans through community  
5 events and Tribal functions on an annual basis.

6 (22) Federal recognition of the Tribe through  
7 this Act is supported by the Mono County Board of  
8 Supervisors, all five federally recognized Tribes in  
9 Inyo County, the non-federally recognized tribe  
10 Southern Sierra Muwuk Nation, and the federally  
11 recognized tribes of Tuolumne Band of Me-Wuk In-  
12 dians, Picayune Rancheria of the Chuckansi Tribe,  
13 and the North Fork Rancheria of Mono Indians.  
14 Support also comes from the National Park Service,  
15 the Sierra Club, Friends of Inyo County, the An-  
16 thropology Department of California State Univer-  
17 sity Chico, California Indian Legal Services, and  
18 other organizations.

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

21 (1) MEMBER.—The term “member” means an  
22 individual who is enrolled in the Tribe pursuant to  
23 the constitution of the Tribe.

24 (2) SECRETARY.—The term “Secretary” means  
25 the Secretary of the Interior.

1           (3) **TRIBE.**—The term “Tribe” means the  
2       Mono Lake Kutzadika<sup>a</sup> Tribe.

3 **SEC. 4. FEDERAL RECOGNITION.**

4       (a) **IN GENERAL.**—Federal recognition is extended to  
5 the Tribe.

6       (b) **EFFECT OF FEDERAL LAWS.**—Except as other-  
7 wise provided in this Act, all Federal laws (including regu-  
8 lations) of general application to Indians and Indian  
9 tribes, including the Act of June 18, 1934 (25 U.S.C.  
10 5101 et seq.; commonly known as the Indian Reorganiza-  
11 tion Act), shall apply to the Tribe and members.

12 **SEC. 5. FEDERAL SERVICES AND BENEFITS.**

13       (a) **IN GENERAL.**—The Tribe and each member of  
14 the Tribe shall be eligible for all services and benefits pro-  
15 vided by the United States to Indians and federally recog-  
16 nized Indian Tribes, without regard to—

17           (1) the existence of a reservation for the Tribe;  
18       or

19           (2) the location of the residence of any member  
20       on or near an Indian reservation.

21       (b) **SERVICE AREA.**—For purposes of the delivery of  
22 services and benefits to members, the service area of the  
23 Tribe shall be considered to be the counties of Mono and  
24 Inyo, in the State of California.



**1 SEC. 6. REAFFIRMATION OF RIGHTS.**

2 (a) IN GENERAL.—Nothing in this Act diminishes  
3 any right or privilege of the Tribe or any member that  
4 existed before the date of the enactment of this Act.

5 (b) CLAIMS OF TRIBE.—Except as otherwise pro-  
6 vided in this Act, nothing in this Act alters or affects any  
7 legal or equitable claim of the Tribe to enforce any right  
8 or privilege reserved by, or granted to, the Tribe that was  
9 wrongfully denied to, or taken from, the Tribe before the  
10 date of the enactment of this Act.

11 (c) HUNTING AND FISHING RIGHTS.—The Tribe  
12 shall be granted hunting and fishing rights on all Federal  
13 lands within its aboriginal land area. Each Federal agency  
14 who administers lands within the Tribe's aboriginal land  
15 area shall work with the Tribe so as to accommodate the  
16 exercise of its hunting and fishing rights within the agen-  
17 cies existing land use plans, Federal law and governing  
18 regulations.

**19 SEC. 7. MEMBERSHIP ROLL.**

20 (a) IN GENERAL.—As a condition of receiving rec-  
21 ognition, services, and benefits pursuant to this Act, the  
22 Tribe shall submit to the Secretary, by not later than 18  
23 months after the date of the enactment of this Act, a  
24 membership roll consisting of the name of each individual  
25 enrolled as a member of the Tribe.

1 (b) DETERMINATION OF MEMBERSHIP.—The quali-  
2 fications for inclusion on the membership roll of the Tribe  
3 shall be determined in accordance with section (a) of Arti-  
4 cle III of the constitution of the Tribe, dated June 23,  
5 2003.

6 (c) MAINTENANCE OF ROLL.—The Tribe shall main-  
7 tain the membership roll.

8 **SEC. 8. TRUST LAND.**

9 (a) IDENTIFICATION OF LAND.—The Secretary shall  
10 identify land administered by the Bureau of Land Man-  
11 agement that is located in that portion of Mono County  
12 that is within the Tribe's ancestral homelands, sufficient  
13 to support the location of Tribal Government administra-  
14 tion and services, economic development, and housing.

15 (b) LAND INTO TRUST.—After the Secretary identi-  
16 fies said land to meet the purposes so described, the Tribe  
17 shall request and the Secretary shall accept such lands  
18 into trust for the benefit of the Tribe. Nothing in this sec-  
19 tion shall prevent the Secretary or the Tribe from acquir-  
20 ing land, and the Secretary taking land into trust for the  
21 benefit of the Tribe, pursuant to section 5 of the Act of  
22 June 18, 1934 (25 U.S.C. 51108; commonly known as the  
23 Indian Reorganization Act). For purposes of acquisitions  
24 under such Act, the Tribe shall be deemed to have been  
25 under Federal jurisdiction in 1934.