

117TH CONGRESS
1ST SESSION

H. R. 3649

To extend Federal recognition to the Mono Lake Kutzadika^a Tribe, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 1, 2021

Mr. OBERNOLTE (for himself and Mr. YOUNG) introduced the following bill;
which was referred to the Committee on Natural Resources

A BILL

To extend Federal recognition to the Mono Lake Kutzadika^a
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^a
5 Tribe Recognition Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds as follows:

8 (1) The Mono Lake Kutzadika^a Tribe has ex-
9 isted for time immemorial in the Mono Basin of
10 east-central California and adjacent Nevada.

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

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

18 (4) In 1904, the plight of the Tribe was
19 brought to the attention of the Committee on Indian
20 Affairs by the Northern California Indian Associa-
21 tion through a petition and extensive, but not ex-
22 haustive, study documenting the landless Indians in
23 California. The study identified the numerous tribal
24 communities in California who were in desperate
25 need of land, as well as Federal support and protec-

1 tion, and the Mono Lake Kutzadika^a community was
2 among those surveyed. As a result of the petition,
3 Congress began to appropriate funding for the pur-
4 chase of lands in California for the “homeless Indi-
5 ans”.

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

15 (6) In the early 1920s, the Los Angeles Depart-
16 ment of Water and Power began purchasing lands
17 throughout Inyo and Mono Counties in its effort to
18 secure a reliable water supply for the expanding city
19 of Los Angeles in southern California. The Mono
20 Lake Kutzadika^a allottees were not immune to the
21 pressures of Los Angeles Department of Water and
22 Power and were encouraged to sell their land, which
23 most did. However, Tribal members remained at
24 Mono Lake working and living on local farms and in

1 some cases squatting on Los Angeles Department of
2 Water and Power or other Federal lands.

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

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

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

1 no public lands available for the Tribe or its mem-
2 bers, and all water resources were owned by the Los
3 Angeles Department of Water and Power.

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

20 (11) In 1955, the Tribe submitted a petition to
21 State Senator Charles Brown of Sacramento, Cali-
22 fornia, seeking to establish a reservation that in-
23 cluded 66,000 acres of land. The petition rested on
24 a 1912 Presidential Executive order that had set
25 aside lands for the Tribe and other tribes in Inyo

1 and Mono County, but was later withdrawn because
2 the original land identified was unsuitable. The
3 Tribe's petition was again met with the statement
4 that there was no land available for a reservation.

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

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

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

23 (15) Even without formal Tribal recognition,
24 the Tribe has remained a political force and the pro-
25 tector of Mono Lake, Kutzapaa' which is at the cen-

1 ter of the Tribe's culture and history and provided
2 its ancestors with a critical food source. On March
3 19, 1983, Jessie Durant, a revered Tribal elder, tes-
4 tified before the Subcommittee on Public Lands and
5 National Parks on the importance of Mono Lake to
6 the Mono Lake people and culture. Mono Lake is
7 now known as the Mono Lake Tufa State Natural
8 Reserve thanks in large part to the efforts of the
9 Tribe and the Mono Lake Foundation.

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

20 (17) The Federal agencies that now manage
21 Federal lands, some of which are the ancestral lands
22 of the Tribe, share a deep respect for the Tribe, and
23 acknowledge that the Kutzadika^a members are the
24 aboriginal people of the Mono Basin. Small examples
25 can be seen from the Forest Service, that in 1991

1 worked with the Tribe in protecting the Tribe’s “In-
2 dian” cemetery located in part on Forest Service
3 lands.

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

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

23 (20) In 2000, the Tribe partnered with the
24 Mono County Board of Supervisors to seek funding
25 to assist the county in completing a community cen-

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

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

1 honors their elders and veterans through community
2 events and Tribal functions on an annual basis.

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

16 **SEC. 3. DEFINITIONS.**

17 In this Act:

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

21 (2) SECRETARY.—The term “Secretary” means
22 the Secretary of the Interior.

23 (3) TRIBE.—The term “Tribe” means the
24 Mono Lake Kutzadika^a Tribe.

1 **SEC. 4. FEDERAL RECOGNITION.**

2 (a) IN GENERAL.—Federal recognition is extended to
3 the Tribe.

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

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

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

15 (1) the existence of a reservation for the Tribe;
16 or

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

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

23 **SEC. 6. REAFFIRMATION OF RIGHTS.**

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

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

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

15 **SEC. 7. MEMBERSHIP ROLL.**

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

22 (b) DETERMINATION OF MEMBERSHIP.—The quali-
23 fications for inclusion on the membership roll of the Tribe
24 shall be determined in accordance with section (a) of Arti-

1 cle III of the constitution of the Tribe, dated June 23,
2 2003.

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

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

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

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

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