

108TH CONGRESS
2D SESSION

S. 2936

To restore land to the Enterprise Rancheria to rectify an inequitable taking of the land.

IN THE SENATE OF THE UNITED STATES

OCTOBER 7, 2004

Mr. CAMPBELL introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To restore land to the Enterprise Rancheria to rectify an inequitable taking of the land.

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 “Enterprise Rancheria
5 Land Restoration Act of 2004”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) the Enterprise Rancheria is 1 of several
9 Federally recognized tribes of Maidu Indians in the
10 State of California that function under a govern-

1 ment-to-government relationship with the Federal
2 Government;

3 (2) the Maidu people lived for thousands of
4 years along the watershed of the Feather River
5 drainage area in north central California, near what
6 is now known as the Sacramento Valley floor, and
7 near the confluence of the south, middle, north, and
8 west branches of the Feather River;

9 (3) in 1916, pursuant to section 3 of the Act
10 of August 1, 1914 (38 Stat. 589, chapter 222), and
11 other Federal laws relating to homeless Indians, a
12 parcel of land comprising approximately 40.64 acres
13 was purchased for Enterprise Rancheria;

14 (4) in 1915, the Secretary of the Interior devel-
15 oped a census of approximately 51 Maidu Indians,
16 which is now used for the purpose of establishing the
17 base membership roll for the Enterprise Rancheria;

18 (5) Enterprise Rancheria has been continuously
19 federally recognized since 1915 and was again recog-
20 nized by virtue of voting in an election on June 12,
21 1935, pursuant to section 19 of the Act of June 18,
22 1934 (commonly known as the “Indian Reorganiza-
23 tion Act”) (48 Stat. 984, chapter 576);

24 (6) Enterprise Rancheria has a constitution rec-
25 ognized by the Bureau of Indian Affairs, a func-

1 tioning governing body, and approximately 664 en-
2 rolled members;

3 (7) on August 20, 1964, Public Law 88-453
4 was enacted, which authorized the Secretary of the
5 Interior to sell Enterprise Rancheria No. 2 parcel to
6 the State of California for the approximate sum of
7 \$12,196, for the sole purpose of construction of
8 Oroville Dam;

9 (8) the State of California requested the law de-
10 scribed in paragraph (7) because Enterprise
11 Rancheria No. 2 parcel would be within the reservoir
12 area of the Oroville Dam, an important element of
13 the California water plan;

14 (9) as a result of Public Law 88-453, Enter-
15 prise Rancheria No. 2 parcel is nearly all under
16 water within the reservoir of the Oroville Dam;

17 (10) pursuant to Public Law 88-453, \$11,175
18 was paid as consideration for the 40.46 acres of En-
19 terprise Rancheria No. 2 parcel, along with \$1,020
20 for appraised personal property, for a total purchase
21 price of \$12,196.00;

22 (11) the payment was distributed to 4 individ-
23 uals, Henry B. Martin, Vera Martin Kiras, Stanley
24 Martin, and Ralph G. Martin, who received a pro
25 rata share of the proceeds;

1 (12) the remaining heirs and members of the
2 Tribe received no compensation for the sale of the
3 land;

4 (13) subsequent to the sale of the Enterprise
5 Rancheria No. 2 parcel, the Enterprise Rancheria
6 members, having lost their homes, community, and
7 traditional homeland, were forced to scatter through-
8 out the surrounding foothill communities and the
9 Sacramento Valley area, which has caused a con-
10 tinuing decay of their culture, language, and tradi-
11 tions;

12 (14) recognizing that the final resolution of any
13 equitable compensation claims based on the inequi-
14 table taking of Enterprise Rancheria No. 2 parcel
15 will take many years and entail great expense to all
16 parties, rectifying the loss of the Enterprise
17 Rancheria is imperative at this time;

18 (15) the uncertainty as to the availability of
19 Enterprise Rancheria land taken in 1964 should be
20 settled as soon as practicable to avoid further dam-
21 age to the long-term economic, social, cultural plan-
22 ning, and development of the Enterprise Rancheria;

23 (16) to advance and fulfill the goals of Federal
24 Indian policy and the responsibility of the United
25 States to protect the land base and members of En-

1 terprise Rancheria, it is appropriate that the United
2 States participate in the implementation of restoring
3 the land in accordance with this Act; and

4 (17) this Act settles all claims Enterprise
5 Rancheria may have regarding any equitable com-
6 pensation based on the taking of the original Enter-
7 prise Rancheria No. 2 parcel in 1964.

8 (b) PURPOSES.—The purposes of this Act are—

9 (1) to rectify an inequitable taking of land
10 owned by Enterprise Rancheria, specifically that
11 parcel known as Enterprise Rancheria No. 2 parcel,
12 which comprised approximately 40.64 acres, in a
13 manner that is consistent with the trust responsi-
14 bility of the United States toward Federally recog-
15 nized Indian tribes;

16 (2) to restore land to the Enterprise Rancheria
17 and improve the socioeconomic, cultural, and tradi-
18 tional aspects of the Maidu people of the Enterprise
19 Rancheria, through land that can be used for eco-
20 nomic development to improve the social, cultural,
21 governmental, educational, health, and general wel-
22 fare of Enterprise Rancheria and members of the
23 Enterprise Rancheria; and

24 (3) to require that land not to exceed 41 acres
25 acquired by Enterprise Rancheria within the 40-mile

1 radius of Enterprise Rancheria No. 2 parcel and
2 within the Estom Yumeka Maidu aboriginal bound-
3 aries, if approved for trust status pursuant to part
4 151 of title 25, Code of Federal Regulations (or a
5 successor regulation), be treated for all legal pur-
6 poses as the restoration of land for an Indian tribe
7 that is restored to Federal recognition.

8 **SEC. 3. DEFINITIONS.**

9 In this Act:

10 (1) **ABORIGINAL BOUNDARIES.**—The term “ab-
11 original boundaries” means the boundaries of the
12 land occupied and possessed by the Maidu people
13 prior to conquest, as a defined area of what is now
14 California, designated as the land near and around
15 the confluence of the Feather River within the Sac-
16 ramento Valley.

17 (2) **ACQUIRED LAND.**—The term “acquired
18 land” means that land purchased on or after the
19 date of enactment of this Act to restore land taken
20 from the Enterprise Rancheria for the State of Cali-
21 fornia, pursuant to Public Law 88–453.

22 (3) **ENTERPRISE RANCHERIA.**—The term “En-
23 terprise Rancheria” means the Rancheria Tribe that
24 was federally recognized on April 20, 1915, with a
25 governing constitution, approved April 12, 1995.

1 (4) ENTERPRISE RANCHERIA NO. 2 PARCEL.—
2 The term “Enterprise Rancheria No. 2 parcel”
3 means the original 40.64 acre land base parcel be-
4 longing to the Maidu Indians that was established
5 and purchased by the United States and placed in
6 trust status for the homeless Maidu people in the
7 area of the parcel.

8 (5) FEATHER RIVER DRAINAGE AREA.—The
9 term “Feather River drainage area” means the area
10 near and around the confluence of the south, middle,
11 north, and west branches of the Feather River and
12 drainage area below the confluence.

13 (6) RANCHERIA ACT.—The term “Rancheria
14 Act” means Public Law 85–671 (commonly known
15 as the “California Rancheria Act”), which termi-
16 nated 38 California Rancherias.

17 (7) SECRETARY.—The term “Secretary” means
18 the Secretary of the Interior.

19 (8) TRUST STATUS.—The term “trust status”
20 means the status of land, the title of which is held
21 by the United States on behalf and for the beneficial
22 use of recognized Indian tribes in accordance with
23 part 151 of title 25, Code of Federal Regulations (or
24 a successor regulation).

1 **SEC. 4. PLACEMENT OF ACQUIRED LAND IN TRUST STATUS.**

2 The Secretary may place into trust status not to ex-
3 ceed 41 acres of land of the Enterprise Rancheria, if the
4 land is approved for trust status.

5 **SEC. 5. REPLACEMENT LAND.**

6 (a) PURCHASE.—To restore the Enterprise
7 Rancheria No. 2 parcel, the Enterprise Rancheria may
8 purchase not to exceed 41 acres of replacement land with-
9 in the 40-mile radius of Enterprise Rancheria No. 2 parcel
10 and within the aboriginal boundaries of the Estom
11 Yumeka Maidu.

12 (b) TRUST STATUS.—The Secretary may place the
13 replacement land into trust status, the title to which shall
14 be held in trust by the United States for the benefit of
15 Enterprise Rancheria, if all Federal requirements of plac-
16 ing the land into trust status are satisfied.

17 (c) TREATMENT OF REPLACEMENT LAND.—The ac-
18 quisition of land under subsection (a) shall be treated as
19 the restoration of land for an Indian tribe that is recog-
20 nized by the Federal Government.

21 **SEC. 6. EFFECT ON TRUST STATUS.**

22 This Act does not limit the authority of the Secretary
23 to approve or deny any land application for trust status.

24 **SEC. 7. FULL SATISFACTION OF CLAIMS.**

25 On the placement of the land described in section 5
26 into trust status, the Enterprise Rancheria shall be con-

1 sidered to have relinquished all equitable compensation
2 claims the Enterprise Rancheria may have against the
3 United States and the State of California arising from the
4 sale of Enterprise Rancheria No. 2 parcel.

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