

AMENDMENTS TO THE RUFFEY RANCHERIA RESTORATION ACT OF 2018 (H.R. 3535)

H.R. 3535 restores the Ruffey Rancheria of Siskiyou County, California, to the status of a Federally recognized Indian tribe. The Ruffey Rancheria is a historical community of Shasta and Karuk Indians living in Siskiyou County, California. In 1907, the Bureau of Indian Affairs purchased approximately 441 acres of land for the group, pursuant to the Act of June 21, 1906 (Pub. L. No. 258). In 1961, the Ruffey Rancheria was terminated under the provisions of the California Indian Rancheria Act of 1958 (Pub. L. No. 85-671). The Ruffey Indian Rancheria was not restored to Federal status in the *Tillie Hardwick v. U.S.* decision in 1983, due to standing issues. In August 2017, Rep. Doug LaMalfa (CA-1) introduced H.R. 3535 to restore the Federal status of Ruffey Rancheria.

On September 26, 2017, the House Subcommittee on Indian, Insular and Alaska Native Affairs held a Hearing about H.R. 3535. Since that time, Ruffey Rancheria has discussed the legislation with representatives from the Redding Rancheria, Modoc Tribe of Oklahoma, and Karuk Tribe, which all have aboriginal territorial claims in Siskiyou County or Shasta County, California, and with the Confederated Bands of Siletz Indians and the Klamath Tribes, which have aboriginal territorial claims in Oregon. The Ruffey Rancheria has reached out to the Quartz Valley Indian Reservation in California and Coquille Indian Tribe in Oregon to discuss the legislation, but has not received responses.

Based upon the feedback offered from Tribes to date, the Ruffey Rancheria has requested amendments to H.R. 3535 that accommodate tribal concerns insofar as it is possible and reasonable.

What has changed in the proposed amendments?

The proposed amendments to H.R. 3535 create greater specificity about where Ruffey Rancheria may request lands be taken into trust, limit where Indian gaming can occur, narrow the Tribe's service area, and link the membership eligibility more clearly to existing Bureau of Indian Affairs documents that have previously defined the Ruffey Rancheria's membership.

Will the Ruffey Rancheria be able to take land into trust or conduct Indian gaming in Oregon?

No. The amended language clarifies that the Ruffey Rancheria will not be able to take land into trust or to conduct Indian gaming in Oregon. The Ruffey Rancheria will only be able to take land into trust in Siskiyou County, California. The amended language limits Indian gaming to within 5 miles of any land taken into trust—but only in Siskiyou County, California.

Will the Ruffey Rancheria's service area include Oregon or Shasta County, California?

No. The Ruffey Rancheria's service area will be limited to Siskiyou County, California. It will not include any counties in Oregon, nor Shasta County, California.

What is the updated membership criteria?

The original membership language of H.R. 3535 follows the precedent in Section 1406(b)-(c) of the Graton Rancheria Restoration Act (Pub. L. No. 106-568)—which is the most recent law to restore a terminated California Indian tribe. The Ruffey Rancheria has received feedback from the Bureau of Indian Affairs and from neighboring Tribes suggesting that the precedent in Section 1406(b)(1)(C) and 1406(c) should be revisited. Instead, the Bureau of Indian Affairs and the Tribes have suggested using membership criteria linked to Bureau of Indian Affairs documents about the Ruffey Rancheria, rather than to Indian Census records of certain, specific areas of Siskiyou County, California.

The amended membership criteria in Section 4(b) would place an individual on the Ruffey Rancheria membership roll if:

(A) such individual's name was listed on the Ruffey Rancheria distribution list compiled by the Bureau of Indian Affairs and approved by the Secretary and published in the Federal Register on April 11, 1961, under Public Law 85-671;

(B) such individual was not listed on, but met the requirements that had to be met to be listed on the Ruffey Rancheria distribution list; or

(C) the individual is a lineal descendant of an individual, living or dead, identified in subparagraph (A) or (B), and has never been an enrolled member of any other Federally recognized Indian tribe.

With these amendments, the membership language of H.R. 3535 is tightly circumscribed by the Bureau of Indian Affairs records related to the Ruffey Rancheria. New language in Section 4(c) clarifies the proof required for Ruffey Rancheria Indian ancestry and references a 1913 document that identifies the 57 Indians for whom this land was purchased originally (Exhibit A).

Summary of Requested Amendments to H.R. 3535.

Agency or Tribe	Summary of Concerns	Proposed Amendments
Bureau of Indian Affairs	<p>Preference to limit membership eligibility to individuals on the Ruffey Rancheria distribution list, individuals eligible for inclusion on the Ruffey Rancheria distribution list, and those individuals' lineal descendants.</p> <p>Revisit precedent in Section 1406(b)(1)(C) and 1406(c) of the Graton Rancheria Restoration Act (Pub. L. No. 106-568) and use Ruffey Rancheria documents rather than Indian census records in Siskiyou County to define eligibility and conclusive proof of ancestry.</p>	<p>Revised language of Section 4(b) limits enrollment eligibility to only those individuals on the Ruffey Rancheria distribution list, individuals eligible for inclusion on the Ruffey Rancheria distribution list, and those individuals' lineal descendants.</p> <p>Revised language of Section 4(c) defines conclusive evidence of Ruffey Rancheria Indian ancestry using the Ruffey Rancheria distribution list and specific Bureau of Indian Affairs documents.</p>
Confederated Bands of Siletz Indians	<p>Potential for the Ruffey Rancheria to claim rights and privileges that are properly enjoyed by the Confederated Band of Siletz Indians in the State of Oregon.</p> <p>Potential for lands to be taken into trust in Oregon</p> <p>Desire to narrow membership criteria.</p> <p>Use Ruffey Rancheria documents rather than Indian census records in Siskiyou County to define eligibility.</p> <p>Desire to restrict enrollment in the Ruffey Rancheria to only those individuals who have never been enrolled in another federally recognized Indian tribe.</p> <p>Potential for Indian gaming in Oregon.</p>	<p>Section 2(b) restores the rights and privileges of the Ruffey Rancheria only insofar as those rights and privileges do not include federal treaties, Executive Orders, agreements, statutes, or other authorities involving the Territory or State of Oregon, or affecting any tribe or band of Indians whose historical territory was located in the Territory or State of Oregon.</p> <p>Section 2(d) provides that the Ruffey Rancheria will have no rights of hunting, fishing, trapping, gathering, or water rights in the State of Oregon.</p> <p>Section 3(a) limits lands taken into trust to Siskiyou County, California.</p> <p>Section 3(b) provides that no former lands of the Ruffey Rancheria, if they exist, may be taken into trust if they are located in the State of Oregon.</p> <p>Section 4(b)-(c) limits enrollment to those individuals on the Ruffey Rancheria distribution list, individuals eligible for inclusion on the Ruffey Rancheria distribution list, and those individuals' lineal descendants—and then only with specific proof from Bureau of Indian Affairs documents.</p> <p>Section 4(b)(1)(C) limits enrollment to only those individuals who have never been members of another Federally recognized tribe.</p> <p>Section 7(a)(2) limits Indian gaming to Siskiyou County, California.</p>

Summary of Requested Amendments to H.R. 3535, continued.

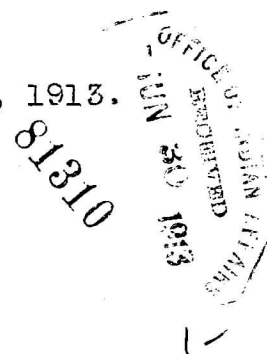
Agency or Tribe	Summary of Concerns	Proposed Amendments
Redding Rancheria	<p>Service area extending into Shasta County, California</p> <p>Potential for lands to be taken into trust in Shasta County, California</p> <p>Potential for Indian gaming in Shasta County, California.</p>	<p>Section 3(a) limits lands taken into trust to Siskiyou County, California.</p> <p>Section 7(a)(2) limits Indian gaming to Siskiyou County, California.</p> <p>Section 8(a)(7) limits the service area to Siskiyou County, California.</p>
Karuk Tribe	<p>Desire to narrow membership criteria.</p> <p>Ensure that membership criteria include all eligible Karuk Indians.</p> <p>Use Ruffey Rancheria documents rather than Indian census records in Siskiyou County to define eligibility.</p> <p>Ensure that individuals enrolled with the Karuk Tribe will not disenroll and enroll with the Ruffey Rancheria.</p> <p>Ensure that Bureau of Indian Affairs oversees process of enrollment.</p>	<p>Section 4(a) provides that the Secretary of the Interior compiles the membership roll.</p> <p>Section 4(b)-(c) limits enrollment to those individuals on the Ruffey Rancheria distribution list, individuals eligible for inclusion on the Ruffey Rancheria distribution list, and those individuals' lineal descendants—and then only with specific proof from Bureau of Indian Affairs documents.</p> <p>Section 4(b)(1)(C) limits enrollment to only those individuals who have never been members of another Federally recognized tribe. Disenrolling Karuk Tribal members will be ineligible for enrollment with the Ruffey Rancheria.</p>
Quartz Valley Indian Reservation	<p>Concern that Ruffey Rancheria might infringe upon the reservation lands, territorial rights, or sovereignty of the Quartz Valley Indian Reservation.</p>	<p>Section 2(f) provides that “[n]othing in this Act shall be construed as infringing upon or diminishing the territorial rights or sovereignty of the Quartz Valley Indian Reservation.”</p>
Klamath Tribes	<p>Potential for Indian gaming in Oregon.</p> <p>Potential for lands to be taken into trust in Oregon.</p>	<p>Section 3(a) limits lands taken into trust to Siskiyou County, California.</p> <p>Section 7(a)(2) limits Indian gaming to Siskiyou County, California.</p> <p>Section 8(a)(7) limits the service area to Siskiyou County, California.</p>
Coquille Indian Tribe	<p>Potential for Indian gaming in Oregon.</p> <p>Potential for lands to be taken into trust in Oregon.</p>	<p>Section 3(a) limits lands taken into trust to Siskiyou County, California.</p> <p>Section 7(a)(2) limits Indian gaming to Siskiyou County, California.</p> <p>Section 8(a)(7) limits the service area to Siskiyou County, California.</p>

Exhibit A. Letter by C. E. Kelsey, Special Agent for the California Indians, to the Commissioner of Indian Affairs, dated June 24, 1913.

DEPARTMENT OF THE INTERIOR

Etna Indian land. UNITED STATES INDIAN SERVICE

San Jose, Calif., June 24, 1913.



The Commissioner of Indian Affairs,

Washington, D. C.

Sir:-

311

I am in receipt of your letter of June 12, 1913, Land Allotments 74708-1907, 64144-1913, W. A. M., in regard to certain lands purchased for use of Ruffy and other Indians near Etna, California, enclosing reports from Supervisor Horace G. Wilson and his clerk, Emry M. Garber.

I quite agree with both gentlemen that the prices demanded by both Kist and Ritz are exhorbitant. Kist has thirteenth and a fraction acres, which he offered to Charley Ruffy for \$300. When hex heard the magic word Government his price jumped overnight to \$900. Ritz is the man who ejected Ruffy after waiting six years until his title was proof against attack and then put a chain around Ruffy's house and hauled the house off from the ground in dispute. Ruffy tried to shoot Ritz, but was prevented. Ruffy's house stands exactly on the line between Ritz and Kist. See enclosed map.

It is quite possible that building a house will satisfy Ruffy. It would satisfy almost any Indian. Whether it will be advisable in this case I would not wish to report without going there and talking with Ruffy and some of the other Indians. Neither am I sure that I would recommend the house on that part of the tract recommended by Mr. Garber, without further consultation with the Indians.

2. Indian Office. Etna.

In 1909, shortly after we had secured title to the land I had authority to have a survey made and employed a competent surveyor, Mr. Noel E. Graves, of Yreka. The enclosed map is a tracing of the map made by Graves. The tract is largely mountainous, as has been stated in about every letter I have ever written on the matter. The survey shows that of the 441 acres purchased, there are about seventy acres of valley land. This lies in two bodies. The northwestern body lies along Etna Creek and contains about twenty five acres of land. This is not strictly bottom. In fact none of the valley land is bottom, but all valley benches and second class land, as I have heretofore stated. This northwestern valley is not of very good quality, a good deal of it being boulders with little soil. It is also badly cut up by the creek and highway. The ditch mentioned runs on the edge of the hill and is not available for Indian use. The village of Etna gets most of its water supply from this ditch and it is also used for power, electric light, etc., and runs a flour mill and brewery. There is sufficient water remaining in the creek, if not covered by prior appropriators down stream, but I doubt if the Indians would be able to construct a suitable ditch unaided.

It seems to depend on whether you are talking to Ritz or to Kist on whose land Ruffy's house is situated. The survey shows the line to run about through the middle of the house. I am not positive as to the exact location of Charley Ruffy's house, ~~xxx~~ as the surveyor did not mark it, but I am still inclined to my opinion that it is over the line and on the Denny-Bar land. Kist's statements about his land have proved unreliable, as to quantity of land, lines and values.

3. Indian Office. Etna.

As I have before stated on several occasions we bought such a large quantity of land because the railroad refused to sell unless we took all there was in the section, and because the price was fixed at only \$5.00 per acre. The land was not on the market and was sold to us only upon special permission from New York and for the purpose of giving the Indians a home. The railroad lands in the neighborhood are not yet on the market.

The land was bought for two bands of Indians at Etna. These two bands are of the same stock and usually Indians of the same stock can be placed together. I planned the southern valley for Ruffy and his people and the northwestern valley for the others. If the Ruffy's will go to the northwestern valley that will simplify matters considerably. There is some jealousy between Ruffy and the others and so far Ruffy has succeeded in keeping the other Indians off, while Ruffy himself is not on the land. That is, under the Indian etiquette, none of the other Indians would dare go there while Ruffy openly claims the land.

The southern valley contains about forty five acres of land and is far more valuable than the other, though there is only a small amount of running water. Rita has a ditch on his own land and has probably a prior right to that water. The land is good grape, and deciduous fruit land and good land for hay and grain. The land lies in level and rolling benches and is covered with a second growth of trees and brush. It will cut up nicely into individual lots. It is very curious that neither Mr. Wilson nor his assistant have ever mentioned this forty five acres of valley land. Evidently they are not aware of its existence. The figures as to area and the notations

as to quality are from the surveyor. Charlie Ruffy also states that there is a considerable tract of land on top of the ridge, estimated by him to be forty acres, which is fairly flat and arable. He wanted this tract for his children. This I presume, is the rounded top of the ridge, though not evident from the valley, as the sides of the hills are precipitous.

Mr. Garber is not wholly correct in stating that Charley Ruffy owns the house on the Etna road. The house was built by a cousin of Charley Ruffy, who had bought either one acre or two acres of stony land along the main road. I believe he was known as Tommy Ruffy. The cousin died, and Charley Ruffy promptly, in Indian fashion, moved in and took possession of the property. There has been no probate of the estate and Charley Ruffy has no title whatever, except possession. There are other heirs, ^{and} although deceased ^{may have been} ~~was~~ unmarried, ~~and~~ Charley Ruffy's share of the property might be small. In ten years, if Charley pays the taxes and no one moves for probate of the estate, he will be able to claim title by adverse possession. I doubt if the property would bring \$250 even if title were good.

At the present time there is not even one Indian on the premises. ^{purchased} Since Mr. Wilson has been going there, I have rather hesitated about butting in and his report makes it evident that he has been hesitant on my account. I think the property had better be placed, at least for putting it into use, in the hands definitely of one or the other. As I have heretofore had the funds from the support fund, and Mr. Wilson has not, I am probably the goat. If funds are available in the new fiscal year, I would suggest that a surveyor be employed to lay out the requisite number of subdivisions. Then if a new house on the ^{northwestern valley is the}

decision, authority can be secured. I am inclined to think, though that on second thought the Indians will prefer, or rather that Ruffy will prefer the larger area of level land nearer by and that what they will prefer will be to move both the Ruffy houses south on to the land in the south valley. Charley Ruffy has a fairly good house. Ruffy's cabin is old and hardly worth moving.

The Ruffy family is as follows:-

Ruffy and wife	2
Roy Abernathy, grandson	
One other grandson and	
Two Abernathy girls,	4
Charley Ruffy, wife, 5 children	7

The other Indians are as follows:

Aaron Purcell, wife, 9 children	11
Swaim, wife, 5 children,	7
Mrs. Tom Snap, 2 children,	3
Webb, wife, 3 children,	5
Three Bar Sam Billy, wife,	2
Wm Whitmore, wife, stepson,	3
Mollie Clawson, 1 child,	2
Willie Jack, wife,	2
Joe Sims, Wife, 3 children,	5
Mrs. Mac Swaim, 3 children,	4
	<u>57</u>

Mollie Clawson and Mrs. Mac Swaim have been working in Yreka but belong at Etna. The others move around somewhat to get work, but all consider Etna their home and most of them may be found around Etna almost any old time. A more accurate knowledge of the band has somewhat increased the number of Indians around Etna.

6. Indian Office. Etna.

I have been unable to determine, from my notes, who the deceased cousin of Charley Ruffy was. My recollection is not good, but I have a rather hazy remembrance that Tommy Ruffy is a brother of Charley and that the cousin was Mac Swaim. If this is correct, his widow and children should have the property. As you are doubtless aware, the Indians do not consider the widow and children as having any rights and the brother, or if there is no brother, a cousin or the cousins, on death of a man, always grab all the property in sight, to the exclusion of the widow and children. No complaint has been made and possibly my recollection is in error.

Very respectfully,

C. E. Kelsey.

Special Agent for the Calif. Indians,

145 S. 12th St., San Jose, Calif.

SEE MAP

NO. 20,013