

A California #LandBack Special Report

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Trigger Warning Statement

This report contains reference to and descriptions of actions, events, and structures of continuous genocide, discrimination, exploitation, and erasure. This includes sexual and racialized violence such as massacres and murder, forced sterilization and reproductive violence, enslavement, violence against children, and boarding schools, as well as continuous trauma and violence against landscapes and residing more-than-human relatives. The report also focuses on the importance of decolonization, resistance, and movements for land return as a way of healing and uplifting Indigenous sovereignty and self-determination.

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A California #LandBack Special Report is presented here in **DRAFT** form. We seek to gain diverse community feedback regarding the contents of this report, and consider this an integral component of the peer review process. Give your feedback through our [open form](https://forms.gle/PNGR6DafvnT3wMEW7): <https://forms.gle/PNGR6DafvnT3wMEW7>



The deadline for comments is **April 10th, 2023**. We will subsequently modify the draft based on community feedback, and submit the draft for an open peer review from selected expert peer reviewers. The paper will be formatted and released in its final draft form on **May 1, 2023**.

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DRAFT

1. Introduction

California continues to build momentum in collaboration with tribes on the powerful work of land return. “Land Back” is now a proposed climate change strategy in California Governor Gavin Newsom’s 30x30 Climate Plan.¹ In addition, Governor Newsom’s recent “Statement of Administrative Policy: Native American Ancestral Lands” (September 25, 2020) states the administration’s priorities as: “When natural lands under the ownership or control of the State are in excess of State needs, working cooperatively within existing statutory and regulatory frameworks with the California tribes that have ancestral territory within those lands and are interested in acquiring them, including by prioritizing tribal purchase or transfer of land.”²

#LandBack is a global movement and policy intervention that provides tangible ways to address some of the most pressing environmental and political issues. In the United States land ownership remains overwhelmingly stratified by race with white people owning 98% of all farmland.³ In addition, “71.7 percent of white households owned their homes in the US in 2015–2019 compared to 47.0 percent of households of color, representing a 24.6 percentage point racial homeownership gap.”⁴ Nationally, wealth is also concentrated primarily in white households, and “according to the Federal Reserve, white households held more than 80% of the nation’s assets in 2022.”⁵ Land ownership and land wealth continues to be inequitable and unattainable for multiple generations of Black, Indigenous, and other Peoples of Color (BIPOC). According to the Harvard Mellon Urban Initiative:

Landownership in the US is highly unequal and highly racialized. Nationally, the top 1 percent of households owns an estimated 40 percent of non-home real estate, and the

¹ United States, California, Office of Governor, and Gavin Newsome. “Pathways to 30 x 30 California: Accelerating Conservation of California’s Nature”. *California Natural Resources Agency*, 22 Apr. 2022, https://resources.ca.gov/-/media/CNRA-Website/Files/Initiatives/30-by-30/Final_Pathwaysto30x30_042022_508.pdf.

² Newsom, Gavin. “Statement of Administration Policy, Native American Ancestral Lands”. *Office of the Governor, State of California*. 25 Sept. 2020, <https://www.gov.ca.gov/wp-content/uploads/2020/09/9.25.20-Native-Ancestral-Lands-Policy.pdf>

³ Horst, Megan, and Amy Marion. “Racial, Ethnic and Gender Inequities in Farmland Ownership and Farming in the U.S.” *Agriculture and Human Values*, vol. 36, no. 1, 2018, pp. 1–16., <https://doi.org/10.1007/s10460-018-9883-3>.

⁴ Hermann, Alexander. “In Nearly Every State, People of Color Are Less Likely to Own Homes Compared to White Households.” *Joint Center for Housing Studies*, 8 Feb. 2023, <https://www.jchs.harvard.edu/blog/nearly-every-state-people-color-are-less-likely-own-homes-compared-white-households#:~:text=According%20to%20Center%20tabulations%20of,percentage%20point%20racial%20homeownership%20gap.>

⁵ USAFacts. “Wealth Inequality across Races: What Does the Data Show?” USAFacts, 13 Feb. 2023, https://usafacts.org/articles/wealth-inequality-across-races-what-does-the-data-show/?utm_source=google&utm_medium=cpc&utm_campaign=ND-Race&gclid=Cj0KCCQjw2cWgBhDYARIsALggUhokgX9OiYhgbnijfbtR2vdrjpUTt9BbpYuL_jd9_pWpVPXuAtou7v8aAuMqEALw_wcB.

top 10 (all white) agricultural landowners in the US together own more agricultural land than all racial minorities in the US combined.⁶

The Washington Post reports that 59.9% of land is held by private landowners while 28.7% is owned by the Federal Government; 8.6% by State governments; .3% by County and local governments; and only 2.5% is owned by tribal authorities.⁷ Nationally, tribes have about 56 million acres of land held in trust with the Bureau of Indian Affairs for the 574 federally recognized Indian tribes in the United States. Some of these tribes do not have any trust lands.

A 2021 NPR article highlights research from Yale University, Colorado State University, and the University of Michigan that “constructed a first-of-its-kind data set to quantify the history of land dispossession and forced migration in the U.S., and examine its long-term environmental and economic impacts.” Findings included:

- “Indigenous nations across the U.S. have lost nearly 99% of their historical land base over time. And it's not just the quantity of land that matters, but the quality too: Tribes were displaced to areas that are now more exposed to a wide variety of climate change risks.”
- In addition, “As a result of the near-total loss of their tribal lands, the researchers say, Indigenous people are forced to live in areas that are, on average, more exposed to climate change hazards like extreme heat and decreased precipitation.”
- Finally, “More than 42% of tribes from the historical period now have no federally- or state-recognized land, and the present-day lands that tribes do still possess are an average of 2.6% the size of their estimated historical area.”

One of the study’s co-authors, Dr. Kyle Whyte, is clear that “When it comes to the climate change vulnerabilities of today, people mistakenly perceive the situation as one of tribes being in the wrong place at the wrong time. But it's no accident.”⁸

In California, the percentage of Native Americans/Alaskan Natives is 3.6%, one of the highest in the nation, (American Indian/Alaskan Native alone or in combination with another race). There are certain counties within Northern California where Native American populations are significantly higher per capita. Humboldt County, for instance, reports a population of 11.3% Native Americans/Alaskan Natives while Del Norte County, located just north of Humboldt, is approximately 14.4%. In California, according to the BIA Pacific Region Office, there are approximately 511,000 acres of land in trust for the more than 100 federally recognized California Indian tribes (some of whom currently have no trust land). Tribal trust land ownership

⁶Waggoner, Jacob. “Land of the Free or Land of the Few? Local Concentration in US Landownership.” Harvard Mellon Urban Initiative, <https://mellonurbanism.harvard.edu/rules-engagement-forming-guidelines-design-schools-working-marginalized-communities>.

⁷Ingraham, Christopher. “American Land Barons: 100 Wealthy Families Now Own Nearly as Much Land as That of New England.” The Washington Post, WP Company, 21 Dec. 2017, <https://www.washingtonpost.com/news/wonk/wp/2017/12/21/american-land-barons-100-wealthy-families-now-own-nearly-as-much-land-as-that-of-new-england/>.

⁸Treisman, Rachel. “How Loss of Historical Lands Makes Native Americans More Vulnerable to Climate Change.” NPR, 2 Nov. 2021, <https://www.npr.org/2021/11/02/1051146572/forced-relocation-native-american-tribes-vulnerable-climate-change-risks>.

varies across the state of California, with some tribal land bases being less than 1-acre of land. Contrast this with inequitable land ownership statistics like 2021 data from the Land Report 100 and the Madison Trust Company who found that two of the largest land-owning families in California/Oregon/Washington are the Emmerson Family (approximately 2.3 million acres) and the Reed Family (approximately 2.1 million acres). Combined these two families own more than 8X the land of all California Indian tribes.⁹ The Emmerson Family company is Sierra Pacific Industries and is “the largest private lumber production firm in the United States.”

In North America, wealth, power, and inequality are at the core of land (dis)possession. In fact, land ownership is, as Roxanne Dunbar-Ortiz explains, the ultimate goal of settler colonial occupation. Everything in U.S. history, explains Dunbar-Ortiz, comes down to land, who owns it, who labors to maintain or utilize it, and who makes decisions about it. Dunbar-Ortiz explains:

The relationship of economic development and Indigenous peoples in the United States is not a twentieth-century phenomenon. The collusion of business and government in the theft and exploitation of Indigenous lands and resources is the core element of colonization and forms the basis of US wealth and power.¹⁰

By the time the US claimed independence in 1776, Indigenous peoples had already been negotiating land occupations and land rights with colonial nations for more than *two hundred years*. In 1787 the Continental Congress developed the Northwest Ordinance; the US’s plan for expansion and domination across the rest of the continent by adding new states to the Union. The US continued to sign treaties with tribes across the continent. These were established agreements *between nations*, an ongoing acknowledgement by the US that each tribe was a sovereign nation. Between the Revolutionary and Civil War, there were about 368 treaties created with tribes.¹¹ Despite the importance and legality of these treaties under US law, the US continued exploitation and attempted extermination of Indian tribes through “the Indian Removal Act of 1830, the Great Removal of the 1830’s (the Trail of Tears), the Gold Rush, and countless broken treaties [which] are just a few examples of the United States tactics to take land and resources from Native peoples for profit.”¹² Every single treaty that the US has signed or made with a tribe has been broken in some way.¹³

The long history of genocide, dispossession, and displacement of Native peoples that built the State of California remains a palpable reminder that organizations, peoples, counties, and local governments and institutions are beneficiaries of genocide by continuing to occupy stolen Indigenous lands and build secured intergenerational wealth through Indigenous land dispossession. Indigenous California is thought to have had the densest pre-colonial population

⁹Madison Trust Company. “Who Owns the Most Land in the United States?” Choose the Best Self-Directed IRA Company and Get Control of Your Retirement Investments, 22 Dec. 2022, <https://www.madisontrust.com/information-center/who-owns-most-land/>.

¹⁰ Dunbar-Ortiz, Roxanne. *An Indigenous Peoples' History of the United States*. Beacon, 2014, (p. 208).

¹¹ Darcey, Evans, et al. “Advocacy & Water Protection in Native California Curriculum.” Save California Salmon, 2021, <https://www.californiasalmon.org/>.

¹²Nelson, Karen E. “The Right Thing To Do: Returning Land to The Wiyot Tribe”. 2008. Humboldt State University, Masters Thesis.

¹³ Dunbar-Ortiz, Roxanne. *An Indigenous Peoples' History of the United States*. Beacon, 2014.

north of Mexico.¹⁴ As Kat Anderson explains in *Tending the Wild*, “Excluding desert and high-elevation areas, it was almost impossible for early Euro-American explorers to go more than a few miles without encountering Indigenous people...Areas now labeled simply ‘wilderness’ or ‘national park’ on topographic maps once encompassed ancient gathering and hunting sites, burial grounds, work stations, sacred areas, trails, and village sites, all making up what was home to hundreds of generations of California Indians.”¹⁵ Though commonly referred to as “pre-contact,” the time period before the settler incursion is conceptualized by many California Indian tribes as “time immemorial.”

Indigenous land dispossession was how the State of California became a world-renowned economy. Native lands were forcibly and often illegally taken via land-grab policies like: removal, the California unratified treaties, allotment, the seizure of lands to build National and State parks, the development of land-grant universities, and the creation of land trusts. Ongoing genocidal policies that included widespread massacres, enslavement, kidnapping of children, boarding schools, Indian child removal into adoptions and foster care, alongside policies outlawing Indigenous land management and knowledge practices contributed to the inability of Indigenous peoples to maintain their rightful ownership of land. Much of the land that was so-called “purchased” or “deeded” during the 1800 and 1900s was done so illegally.

Sherburne Cook (1976) estimates that the population of California Indians was reduced by over 90 percent between 1770 and 1900. He traces this depopulation to what he calls “Three Waves of Destruction”: The Spanish Mission System; the Ranching and Trading of the Mexican-American war period; and the Gold Rush. “Each one of those waves of colonization involved some seizure of land and violence toward native people,” says Beth Rose Middleton Manning, a Native American studies professor at UC Davis.¹⁶ California was viewed as an “untamed, wild, untouched wilderness.” The rhetoric of “wilderness” extended to a religious rhetoric of “Eden” where Spanish Missionaries and explorers believed they had found the garden of Eden. Father Junipero Serra, leader of the Franciscan Mission System in what became known as “Alta California” wrote of the Indians that “They are entirely naked, as Adam in the garden before sin.” and “...I dread to think that such a plentiful harvest, ripe for the reapers, remain untouched.”¹⁷

The taking of Indigenous lands throughout this settler colonial history was fraught with violence, massacres, and assault of the peoples and the lands. “Deeds” and other documents of land ownership became a key way that settler colonial dominance could be demarcated, solidified, documented, and archived so that the “rightful claims” to ownership were traced back to “pioneers” who tamed a “vast wilderness.” Historical documents, created without following well-established U.S. law, are still used to this day to validate land ownership, water, and natural resource rights. In some cases, these deeds were created post-massacre or post-removal and were

¹⁴ Margolin, Malcolm. *The Way We Lived : California Indian Reminiscences, Stories, and Songs*. Heyday Books, 1981.

¹⁵ Anderson, M Kat. *Tending the Wild : Native American Knowledge and the Management of California's Natural Resources*. University of California Press, 2005, (p. 38).

¹⁶ Gomez-Van Cortright, Guanani. “How Indigenous People Got Some Land Back in Oakland.” Bay Nature, 13 Dec. 2022, <https://baynature.org/2022/12/13/how-Indigenous-people-got-some-land-back-in-oakland/>.

¹⁷ Miranda, Deborah A. *Bad Indians: A tribal memoir*. Heyday, 2012.

granted to peoples who were known participants in mass killings or enslavement of Native peoples.¹⁸

In the case of the Gold Rush, miners attempted to control and tame what they saw as wilderness. They dammed rivers and streams. They poisoned water sources. They clear cut forests and they immediately began to overfish the salmon. Very soon after the *rush* of the Gold Rush ended, miners became “settlers” and those settlers were intent on validating their claims to land and territory. Part of this came from inventing a documented right to the land, writing agreements, and trading land that did not belong to them and also did not belong to the State of California. Other times, it meant perpetuating massacres and removal of Native people from their land. In one story, told by Maidu elder Evelene Mota:

The [Sacramento Valley] was a place where the people lived. There was water, good hunting, plenty of wild fruit, and berries. ...For many years they lived here in relative peace and harmony with nature and other tribes. ...The land was good, and white families wanted to build homes and start farms. The Indian was in the way. A problem had to be solved.¹⁹

In Evelene Mota’s story, her people are rounded up in the middle of the night by soldiers and were forced to walk many miles. When they got to the ocean the soldiers forced them into the water over a cliff. Two younger girls swam back into a bay and onto shore. One was her great-grandmother. The land that the Maidu and other Native peoples of the central valley were forced out of (and subsequently run into the ocean) would become one of the State of California’s most “fertile” and “lush” landscapes - a haven for agriculture with thousands upon thousands of acres of crops, many of which are grown year round. It was not just the illegal movement of Indian people off their land, it was the subsequent creation of a historical archive that “ownership” of this land can at the earliest be traced back to a deed written in the mid to late 1800s thereby ignoring the California Indian genocide, and the deliberate stealing of the land from California Indian peoples.

During the Gold Rush, California also passed laws that legalized the enslavement of California Indians, laws that gave white citizens rights to own Indian children, and laws that subsidized a California Volunteer Militia to carry out the massacre of Indian villages and murder of Indian peoples. Once it became clear that paying for the ongoing “expense” of mass-killing Native peoples would be unsustainable, the Federal Government sent agents to California to negotiate treaties where tribes agreed to move to specific lands and continue to live as sovereign tribal nations in peaceful cohabitation with California citizens.

By July 1852 eighteen treaties, setting aside 8.5 million acres, were sent to the Senate. However, a coalition led by the two senators from

¹⁸Rohde, Jerry. “Genocide and Extortion: 150 Year Later, the Hidden Motive behind the Indian Island Massacre.” North Coast Journal, North Coast Journal, 25 Feb. 2010, <https://www.northcoastjournal.com/humboldt/genocide-and-extortion/Content?oid=2130748>.

¹⁹ (Margolin, 1981)

California called for non-ratification. The senators declared that, “too much good land was being given to Indian savages.”²⁰

Congress subsequently chose not to ratify these treaties and put them under an injunction of secrecy.²¹ Nobody told the tribes. Once tribes began to peacefully move to the agreed upon treaty lands, they were told that they had abandoned their lands. There are currently tribes in California who have signed “unratified” treaty documents but are still “unrecognized” by the United States government because of an underhanded action that happened in the mid-1800s. The treaties would have guaranteed 8.5 million acres for California Indian tribes whereas today California Indian tribes have approximately 511,000 acres of land, total, in trust.

Following these policies, the US Government continued to try and dispossess Native nations of lands through acts like allotment and termination. The policy of allotment (1887) was designed to “destroy [the] communal orientation” of Indian peoples in the U.S.²² Under the policy the government would hold the allotments in trust for twenty-five years. At the end of that tenure the Indian landowners would receive title to their land. The act also provided for the federal purchase of “excess” land left over after the allotment process. In many cases government officials intentionally allotted poor, unworkable land to Indians and labeled more desirable pieces as “surplus” for sale to settlers.²³ On lands where farming was not possible, Indian people had to lease or sell their land to white settlers. O’Brien writes: “In effect, then, the allotment process became a means by which non-Indians could obtain Indian lands.”²⁴ Tribes lost nearly 90 million acres of land to the allotment process. O’Brien notes that “in terms of real land value, not just total acreage, tribes lost more than 80 percent of their land wealth.”²⁵

Seizure of Indigenous lands continued in the name of “conservation” and environmental protection. As Dr. Cutcha Risling Baldy writes:

In the late 19th century the preservation movement and establishment of national parks included policies of Indian removal from these “empty”, vast, wilderness lands. For example, establishment of Yosemite National Park required the removal of the Yosemite Indian people (Spence 1999). Native lands, the places where California Indian tribes had interacted closely with the landscape for generations, were designated as unpopulated “wilderness” areas to conform to Euro-American notions of idealized, pristine conditions that supposedly existed before contact. This assertion was, in part, built upon the idea that Native peoples were not and had not interacted in any meaningful way with significant portions of California. These systematic attempts to attack the very existence of California Indians were a means by which white settlers set out to exterminate, control, and dominate the land, flora, and fauna of Native California. It also meant attempting to

²⁰ Norton, 1972 as cited in Lara-Cooper, Kishan, and Lara (Sr), Walter J. Ka’-m-t’em: A Journey Toward Healing. Great Oak Press. Pechanga, 2019, (p. 118).

²¹ (Norton, 1972 as cited in Lara-Cooper and Lara, 2019).

²² Fixico, Donald Lee. *Indian resilience and rebuilding: Indigenous nations in the modern American West*. University of Arizona Press, 2013.

²³ O’Brien, Sharon. *American Indian tribal governments* (Vol. 192). University of Oklahoma Press, 1993.

²⁴ (O’Brien, 1993)

²⁵ (O’Brien, 1993)

destroy Native knowledge and epistemologies as a way to claim rightful ownership over the land, a land which became designated as “vast wilderness” that had scarcely been utilized.²⁶

Conservation legislation and policy like the Forest Reserve Act (1891) along with the creation of agencies like the US Forest Service (1905); National Park Service (1916); US Fish & Wildlife Service (1906); and the Bureau of Land Management (1946) were all part of ongoing efforts to remove management, oversight, and legal ownership of lands from tribal nations and peoples. These agencies continued to pass laws and policies to “regulate” and “preserve” lands that tribal peoples had been managing for time immemorial. Indigenous land management was made illegal and Native people were criminalized, fined, arrested, and incarcerated for continuing to maintain land management and natural resource practices. Kari Norgaard explains “When the Klamath National Forest was established in 1905 together with the formation of the U.S. Forest Service on the national level, the new agency began a policy of fire suppression in an attempt to protect commercially valuable conifer species from being ‘wasted’ in fires.”²⁷ Fire suppression and other policies like this have led to the proliferation of massive wildfires in California and it is clear from recently published articles that “California once prohibited Native American fire practices. Now, it’s asking tribes to use them to prevent wildfires.”

Conservation efforts throughout history have continued to displace Indigenous peoples and maintain a settler colonial view that “preserving” and “protecting” the land was justification for the removal of Indigenous peoples. Many of these lands are conceptualized as “scenic” or in the words of renowned conservationist John Muir “So trim and tasteful are these silvery, spiry groves one would fancy they must have been placed in position by some master landscape gardener. . . . But Nature is the only gardener able to do work so fine.”²⁸ Land Trusts have proliferated since the 1800s framing their efforts as holding land for “public benefit” and for the “public good.” The outcome of these efforts is the continued colonial institutional ownership and management of land kept out of Native hands as most land trusts did not have tribal representation or leadership in their organizations. Land trusts continue to proliferate, and in some areas of the nation own more land than tribes. “According to the 2005 land trust census taken by the Land Trust Alliance (LTA), there were 1,667 land trusts in the United States, up 32 percent from 2000. The 2005 census calculated the total acreage conserved by local, state, and national land trusts at 37 million acres...” Tribes and tribal organizations are now also founding and managing their own land trusts, a way for some non-federally recognized tribes, tribal consortiums, and tribal nonprofit organizations to build new directions in land trust development. The Native American Land Conservancy (NALC) purchased land jointly with the Anza Borrego Foundation and created a cooperative agreement for management of resources. The InterTribal Sinkyone Wilderness is an intertribal organization made up of ten tribes and is believed to be the first tribal entity in the United States with a conservation easement agreement with private land

²⁶ Baldy, Cutcha Risling. “Why we gather: traditional gathering in native Northwest California and the future of bio-cultural sovereignty”. *Ecological Processes*, vol. 2, no. 1, 2013, pp. 1-10.

²⁷ Norgaard, Kari M. *Salmon and acorns feed our people: Colonialism, nature, and social action*. Rutgers University Press, 2019.

²⁸ Solnit, Rebecca. “John Muir in Native America.” *Sierra Club*, 2 Mar. 2021, <https://www.sierraclub.org/sierra/2021-2-march-april/feature/john-muir-native-america>.

trusts.²⁹ Corrinna Gould, founder of the Sogorea Te' Land Trust in the East Bay Area, states: "When you look across the world, not just this country, there are people beginning to look at the history of the lands they are on, and looking at the question of whether they have the ability to give that land back."³⁰ Sogorea Te' just recently worked with the City of Oakland to return land to the trust contributing to Gould's long-term goal of "returning land bit by bit."³¹

The "Termination Era" and the passage of House Concurrent Resolution 108 in 1953 called for Congress to end the government's trust relationship with Indian tribes. Termination meant selling of reservation lands, the end of federal protection and aid, and the end of special tribal programs, removal of state tax exemptions and the imposition of state civil and criminal authority. Tribes that were selected for termination were told that they could divide their reservations into individual allotments or that they could form a private corporation to manage tribal property. Congress passed twelve termination bills between 1953-1962. Termination would have devastating and lasting impacts on tribes. Heather Ponchetti Daly writes "In Southern California the Mission Indians (a Department of Interior designation) confronted termination in drastically different ways. For some, termination meant the elimination of tribal governments and culture. Others saw it as a way to achieve freedom from the Bureau of Indian Affairs. ...Many tribal members considered termination to be detrimental to their lands and sovereignty" (430). Subsequent to the Termination act of 1953 the Federal Government passed the California Rancheria Termination Act (1958) where 41 rancherias were terminated including the Wiyot Tribe (formerly Table Bluff Rancheria). The Wiyot Tribe would file suit for "unlawful termination" and in 1981 would be reinstated as a result of the *Table Bluff Indians vs. Lujan (United States)* case.³² Additional Rancherias throughout the state of California including the Bear River Rancheria and Blue Lake Rancheria (tribes within Wiyot aboriginal territory), along with Rancheria's from throughout California (17 total), would win a class-action lawsuit (*Tillie Harwick v. the United States of America*) finding that the terminations were illegal and therefore restoring the tribal status of the rancherias.³³

In June 2019, Gov. Gavin Newsom issued an apology to Native Americans for "State's wrongdoings" and referred to the "violence, discrimination and exploitation sanctioned by state government throughout its history."³⁴ Settler colonial violence is structural and continues as part of the ongoing structures that we live with today, including land ownership. This can be seen in continued policy development that happened post the Gold Rush genocide like the creation of

²⁹ Manning, Beth Rose Middleton. *Trust in the land: new directions in tribal conservation*. University of Arizona Press, 2011.

³⁰ Simons, Eric. "Land Back: Indigenous Land Repatriation Is Much Discussed and Little Practiced in the Bay Area. Why Is It Hard to Return Stolen Land?" *Bay Nature*, 3 Jan. 2021, <https://baynature.org/article/bay-area-land-repatriation/>.

³¹ (Gómez-Van Cortright, 2022)

³² Wiyot Tribe. "History." Wiyot Tribe, <http://www.wiyot.us/148/Cultural>.

³³ UNITED STATES DISTRICT COURT, N.D. CALIFORNIA, SAN JOSE DIVISION. *TILLIE HARDWICK, ET AL., PLAINTIFFS, V. UNITED STATES OF AMERICA, ET AL., DEFENDANTS*. 13 Dec. 2012. National Indian Law Library.

³⁴ United States, Office of Governor, and Gavin Newsome. Governor Newsom Issues Apology to Native Americans for State's Historical Wrongdoings, Establishes Truth and Healing Council, 18 June 2019. <https://www.gov.ca.gov/2019/06/18/governor-newsom-issues-apology-to-native-americans-for-states-historical-wrongdoings-establishes-truth-and-healing-council/>.

national and state parks alongside the founding of “land-grant” universities. Though there have been some wins for land, water, and species protections, there have been significant downfalls as well. During former President Trump’s administration alone, millions of acres of US land have been opened for oil and gas extraction, which threatens Indigenous sacred sites and significant cultural resources. This demonstrates that lands held for conservation and protection by the US Federal Government are subject to the whims of each Presidential administration. Had these lands been returned to tribes, this would have potentially added an additional layer of protection from attempts to further strip the land of natural resources.

Private land ownership is not exempt from criticism either. The Homestead Act of 1862 facilitated the removal and attempted disconnection between North American Indigenous populations and their lands, allocating up to 270 million acres of Indigenous territory for white settlers to call home. Though, what these settlers did not have, is a connection to or respect for another’s connection to place. “No society can ever have an ethical relationship to a place it stole...The invaders pulverized buffalo skulls into fertilizer for their plots. The sacred animals were slaughtered by the millions to near extinction to starve Indigenous peoples off the land” (Teba in *LandBack Magazine*, 2022).

However, when assessing land health, we know that land managed by Indigenous populations has, and will always be at the top. Standing Rock Sioux attorney, author, historian, and activist, Vine Deloria Jr., named the problem in a New York Times article in 1970, stating “It just seems to a lot of Indians that this continent was a lot better off when we were running it.” In a 2019 study published in ScienceDaily, researchers analyzed land and species data from Australia, Brazil, and Canada. What they found is not surprising: the total numbers of mammals, birds, amphibians, and reptiles were the highest on lands managed or co-managed by Indigenous Tribes or communities. The lead author, Richard Schuster, stated “This suggests that it’s the land-management practices of many Indigenous communities that are keeping species numbers high. Going forward, collaborating with Indigenous land stewards will likely be essential in ensuring that species survive and thrive.”

2. #LandBack Futures

Social and environmental justice movements work best when they are grassroots and built upward. LandBack is just such a movement. ‘LandBack’ was coined by Arnell Tailfeathers (Blackfoot Confederacy). Since its inception in 2018 the movement has gained serious traction. LandBack became a world-recognized hashtag and was memorialized in memes, articles, and art, unapologetically graffitiiing social media pages. Soon enough it became popularized to talk about Indigenous rights, Traditional Ecological Knowledge, and decolonization.

According to the NDN Collective:

“What is LandBack? It is a relationship with Mother Earth that is symbiotic and just, where we have reclaimed stewardship. It is bringing our People with us as we move towards liberation and embodied sovereignty through an organizing, political and narrative framework. It is a long legacy of warriors and leaders who sacrificed freedom and life. It is a

catalyst for current generation organizers and centers the voices of those who represent our future. It is recognizing that our struggle is interconnected with the struggles of all oppressed Peoples. It is a future where Black reparations and Indigenous LANDBACK co-exist. Where BIPOC collective liberation is at the core. It is acknowledging that only when Mother Earth is well, can we, her children, be well. It is our belonging to the land - because - we are the land. **We are LANDBACK!**"

#LandBack is also at the heart of “decolonization” a term that is becoming more and more popularized in organizations, higher education institutions, and government agencies. Eve Tuck and K. Wayne Yang’s *Decolonization is not a metaphor* (2012): “Though the details are not fixed or agreed upon, in our view, decolonization in the settler colonial context must involve the repatriation of land simultaneous to the recognition of how land and relations to land have always already been differently understood and enacted; that is, *all* of the land, and not just symbolically” (p. 7). This definition is at the core of LandBack. Decolonization used any other way is simply a metaphor; a settler move to innocence, and does not accomplish the intentionally uncomfortable act(s) of decolonization.

In October 2020, Governor Newsom signed his Nature Based Solutions Executive Order N-82-20, elevating the role of natural and working lands in the fight against climate change and advancing biodiversity conservation as an administration priority. As part of this Executive Order, California committed to the goal of conserving 30 percent of our lands and coastal waters by 2030. The Executive Order directs the California Natural Resources Agency (CRNA) to coordinate the execution of 30x30 with other State agencies and stakeholders through a series of actions including the development of a strategy document by February 2022 called the Pathways to 30x30. Newsom also announced a budget proposal to establish a \$100 million fund to support tribal initiatives “ranging from climate programs and workforce development to tribal conservation and land returned for Tribally-led climate solutions.”³⁵ Subsequent articles referred to this as Newsom’s “Newsom’s 100M Land Back Proposal.”³⁶

It is clear that #LandBack is key to the future of our planet. It is also clear that Indigenous peoples have continued to maintain thoughtful, informed, and rigorous practices and standards for how to manage and (re)store lands that have been traumatized by colonialism. California has numerous examples of #LandBack efforts that demonstrate the importance of land return. As Jennifer Norris, Deputy Secretary for Biodiversity and Habitat at the California Natural Resources Agency stated:

³⁵Newsom, Gavin. Governor Newsom_ Truth and Healing Council . California Office of Governor, 18 Mar. 2022, <https://govca.app.box.com/s/kb884czn1r4x3dwkjwwfd9holrbyjbp1>. Accessed 22 Mar. 2023.

³⁶Beam, Adam. “The Theft of Our Land': In Newsom's \$100M LANDBACK Proposal, Indigenous Advocates See Progress - and Have Questions.” *KQED*, 22 Mar. 2022, <https://www.kqed.org/news/11908716/the-theft-of-our-land-in-newsoms-100m-landback-proposal-Indigenous-advocates-see-progress-and-they-have-questions>.

We're actually trying to give management and land back to our tribal partners so that they can help us to be more successful... We recognize that our tribal partners are the original stewards of this land. We have much to learn from them.³⁷

Sam Hodder, the CEO of Save the Redwoods League echoes this sentiment. The league recently participated in a land return of 523-acres in Mendocino County to the Intertribal Sinkyone Wilderness Council.

We believe the best way to permanently protect and heal this land is through tribal stewardship. In this process, we have an opportunity to restore balance in the ecosystem and in the communities connected to it, while also accelerating the pace and scale of conserving California's iconic redwood forests.³⁸

The land is now (re)named as "Tc'ih-Léh-Dûñ, pronounced tsih-ih-LEY-duhn, means "Fish Run Place" in the Sinkyone language. Vice-Chair Buffie Schmidt of the Sherwood Valley Rancheria of Pomo Indians stated:

Today I stand on the shoulders of giants, my ancestors ... to bring them honor, and to not let our old ways be forgotten, for our next generation, my children, my grandchildren and all the kids that I'll never get to see. ...Our ancestors are still here, they're still around us. As I listen to the wind, I feel like my ancestors – who I've never even known in my lifetime – are here and happy that we call this place something that they're familiar with: Tc'ih-Léh-Dûñ.³⁹

3. #LandBack in California

The following examples are stories of slow hope (Sarah Ray, 2020), specifically examples of how land has been returned to tribes in California:

2023:

Katimiin & Aamekyàaraam to the Karuk Tribe (Humboldt and Siskiyou Counties, CA)

President Biden signed the Katimiin and Aamekyàaraam Sacred Lands Act (KASL Act) into law on January 5, 2023. This historic law returned 1,200 acres of sacred ancestral lands to the Karuk Tribe which includes Áuuyich, a sacred mountain, as well as the Karuk Tribe's 'center of the world' Katimiin. "It's a great day for the Karuk Tribe," said Karuk Tribal Chair Russell "Buster"

³⁷ Wolfrom, Jessica. "California's Biodiversity Is under Threat. Can Its Leadership Make a Difference at UN Gathering?" *San Francisco Examiner*, 24 Jan. 2023, https://www.sfoxaminer.com/news/can-california-make-a-difference-at-cop15/article_a0f210d6-7b3e-11ed-b4a3-5fd226365963.html.

³⁸ Treisman, Rachel. "A California Redwood Forest Has Officially Been Returned to a Group of Native Tribes." *NPR*, NPR, 26 Jan. 2022, <https://www.npr.org/2022/01/26/1075778055/california-redwood-forest-native-american-tribes>.

³⁹ Elassar, Alaa. "A Redwood Forest in California Has Been Permanently Returned to Its Indigenous Tribes." *CNN*, Cable News Network, 30 Jan. 2022, <https://www.cnn.com/2022/01/30/us/redwood-forest-california-native-tribes-tcih-leh-dun/index.html>.

Attebery in a press release. "We have taken a huge step forward in protecting our culture and religion for generations to come."⁴⁰

2022:

Rinihmu Pulte`irekne (Oakland, CA)

After years of protests, advocacy, fundraising, legal strategizing, and hundreds of miles of prayer walks around the San Francisco Bay Area, Sogorea Te' Land Trust was recently unanimously approved for a conservation easement in what has been incorrectly called Sequoia Point, Oakland. "This agreement with the City of Oakland will restore our access to this important area, allowing a return of our sacred relationship with our ancestral lands in the Oakland hills," Sogorea Te' Land Trust co-founder and Lisjan Tribal Chairwoman, Corrina Gould, told the media. "The easement allows us to begin to heal the land and heal the scars that have been created by colonization for the next seven generations."⁴¹

Butte Creek Preserve (Chico, CA)

In the first ever return of land from a university to a Tribe, Chico State rematriated Butte Creek Ecological Reserve back to the Mechoopda Native American Tribe on September 23, 2022. Tribal Chairman Dennis Ramirez told ABC7 News, "Today means a new turning point for the tribe. We had this land for thousands of years and now it's [been given] back to us." Tribal Chairman Dennis Ramirez spoke about how important it is to take this initiative and that he looks forward to seeing children swim and fish in Butte Creek and gather medicinal plants just as their ancestors once did. "We are home."⁴²

Mouralherwaqh (Eureka, CA)

On August 19th the Wiyot Tribe celebrated the success of a collaboration between local partners at Cal Poly Humboldt, Humboldt Baykeeper, and Friends of the Dunes at which 46 acres, known as Mouralherwaqh, were returned to the Tribe. The team worked to secure a \$1.2 million grant from the state Ocean Protection Council (OPC), which enabled the Tribe to purchase the land from a private property owner. The Wiyot Tribe and its partners plan to conduct environmental restoration on the site, while building resilience to sea level rise. Chairman Ted Hernandez stated "This is how we make change in today's world. We're going to bring the beauty back."⁴³

Yo' Dok'im Pakan (Alta, CA)

Placer Land Trust and the Colfax-Todds Valley Consolidated Tribe of the Colfax Rancheria worked together to rematriate Yo' Dok'im Pakan in the Gerjuoy North Fork Preserve to the

⁴⁰Greenson, Thadeus. "A Great Day:' President Signs Karuk Land Back Bill into Law." *North Coast Journal*, North Coast Journal, 11 Mar. 2023, <https://www.northcoastjournal.com/NewsBlog/archives/2023/01/06/a-great-day-president-signs-karuk-land-back-bill-into-law>.

⁴¹"Rinihmu Pulte`irekne (Sequoia Point)." *The Sogorea Te Land Trust*, 26 Jan. 2023, <https://sogoreate-landtrust.org/sequoia-point-land-return/>.

⁴²Stetson, Anwar. "In Historic Ceremony, Chico State Gives Ancestral Land Back to Local Mehchoopda Tribe." *KRCR*, KRCR, 23 Sept. 2022, <https://krctv.com/news/local/in-historic-ceremony-chico-state-gives-ancestral-land-back-to-local-mehchoopda-tribe>.

⁴³Savage, Jennifer. "Wiyot Tribe Reclaims Mouralherwaqh." *North Coast Journal*, North Coast Journal, 20 Aug. 2022, <https://www.northcoastjournal.com/NewsBlog/archives/2022/08/20/wiyot-tribe-reclaims-mouralherwaqh>.

Tribe. In December 2020, Placer Land Trust purchased the land from Mr. Neil Gerjuoy, who contributed 25% of the purchase price. The Colfax-Todds Valley Consolidated Tribe of the Colfax Rancheria is comprised of Nisenan, Maidu, and Miwok peoples of the Sierra Nevada foothills and mountains in Placer County. “Having a piece of land actually come back to the Tribe, where we can utilize our traditional cultural stewardship practices and have a place to gather – it’s huge. Now we have a place where we can keep our traditions going,” says Tribal Chairman Clyde Prout III.⁴⁴

Tc’ih-Léh-Dûñ (Lost Coast, CA)

On January 25th, the conservation nonprofit, Save the Redwoods League, transferred more than 500 acres on the Lost Coast to the InterTribal Sinkyone Wilderness Council. Due to the remoteness of the property, opening access to the public is not a priority, however, it serves as an important link between other protected areas. “It’s a real blessing,” said Priscilla Hunter, chair of the Council and member of the Coyote Valley Band of Pomo Indians. “It’s like a healing for our ancestors. I know our ancestors are happy. This was given to us to protect.”⁴⁵

2021:

Hat Creek to the Pit River Tribe (Shasta County, CA)

On November 8th the Pit River Tribe received 756 acres of land along the shores of Hat Creek in their ancestral territory as a result of PG&E’s bankruptcy settlement. With the goal of preventing future development, Shasta Land Trust will have a conservation easement over the property. There will be three additional transfers to the Pit River Tribe over the next few years, totaling over five thousand acres.⁴⁶

Blues Beach to Mendocino Tribes (Westport, CA)

Senate Bill 231, passed on September 24th, allowed for the California Department of Transportation (CalTrans) to transfer Blues Beach in Mendocino County to a nonprofit organization comprised of three local Native American Tribes; the Sherwood Valley Band of Pomo Indians, Round Valley Indian Tribes, and Coyote Valley Band of Pomo Indians. Senator Mike McGuire states, “This is a historic day. Returning this land of cultural significance is not only the right thing to do, but it will also lead to enhanced stewardship, historical preservation and protection of sacred sites and the Blues Beach property.”⁴⁷ CalTrans gained the 172-acre property via the Federal Scenic Easement Program decades ago. Unfortunately, although it is a

⁴⁴Placer Land Trust. “Ancestral Homelands Return to Local Tribe: Placer Land Trust Transfers Ownership of Yo’ Dok’im Pakan - Gerjuoy North Fork Preserve to Colfax-Todds Valley Consolidated Tribe.” *YubaNet*, YubaNet, 13 Apr. 2022, <https://yubanet.com/regional/ancestral-homelands-return-to-local-tribe/>.

⁴⁵Anquiano, Dani. “Native American Tribes Reclaim California Redwood Land for Preservation.” *The Guardian*, Guardian News and Media, 25 Jan. 2022, <https://www.theguardian.com/us-news/2022/jan/25/native-american-tribes-california-redwood-preservation>.

⁴⁶Robinson, Adam, and Mike Mangas. “Return of Tribal Land: Ancestral Land in Hat Creek Returned to Pit River Tribe.” *KRCR*, KRCR, 9 Nov. 2021, <https://krctrv.com/news/local/return-of-tribal-land-ancestral-land-in-hat-creek-returned-to-pit-river-tribe#:~:text=SHASTA%20COUNTY%2C%20Calif.,a%20court%2Dordered%20bankruptcy%20settlement>.

⁴⁷United States, Senator Mike McGuire, and Mike McGuire. McGuire’s Historic Legislation Transferring Sacred Blues Beach Property Back to Mendocino County Tribes Signed by Governor Newsom, California Senate Majority Caucus, 2021.

beloved location for tourists and locals, it has become unwell in recent years. Rematriating the land to these Tribes will bring renewed relationships that will protect the environmental and cultural resources therein.

Ookwe Park (Richmond, CA)

On July 1st, the City of Richmond and the Richmond Arts and Culture Commission, returned a park to the care of the Confederated Villages of Lisjan and Sogorea Te' Land Trust. The park's name, 'Ookwe, means 'medicine' in the Chochenyo language, and it officially opened with a ceremony attended by Richmond's mayor, Tribal and community members.⁴⁸

2020:

Huchium to the Sogorea Te' Land Trust (San Francisco's East Bay, CA)

'Ištune, or 'dream' was just that for the Sogorea Te' Land Trust. In late August, the land trust had a unique opportunity to purchase a house, but they had just 14 days to raise \$750,000. This had been their dream to offer to their community, and so they reached out to their community for help. And they did it. This purchase was the first land in the territory completely held by the Sogorea Te' Land Trust.⁴⁹

Big Sur Coast to the Esselen Tribe (Big Sur, CA)

The Esselen Tribe has been reunited with 1,199 acres of its ancestral land just north of the Little Sur River after almost 250 years. When Rancho Aguila was put up for sale by the family of Axel Adler, Western Rivers Conservancy stepped in to help with the purchase after Adler passed away. The money was secured by a grant that is funded by Proposition 68: Parks, Environment, and Water Bond. Tribal Chairman, Tom Little Bear Nason, stated that the Tribe plans to build a sweat lodge and a village so the Tribe can conduct ceremonies, and they will help to educate the public on the Tribe's history and culture.⁵⁰

2019:

Tuluwat 3.0 to the Wiyot Tribe (Eureka, CA)

In 2014 the Wiyot Tribe asked the Eureka City Council for the remaining acreage of Tuluwat.⁵¹ On December 4th, just about 159 years after the Indian Island Massacre, the Eureka City Council voted to return the last of the city-owned portion of the island - about 200 acres - to the Tribe.⁵² Once again, the decision was unanimous among the Council members, and had an enormous amount of community support. The transfer documents were officially signed on October 21, 2019, and hundreds of people came to experience the ceremonial return of the land. According to

⁴⁸“Ookwe.” The Sogorea Te Land Trust, 1 Aug. 2022, <https://sogoreate-landtrust.org/ookwe/>.

⁴⁹“Ištune.” *The Sogorea Te Land Trust*, 1 Sept. 2020, <https://sogoreate-landtrust.org/rematriating-a-house-in-huchium/>.

⁵⁰ Associated Press. “Tribes buy back America - acres at a time”. *NBC News*, 2009. <https://www.nbcnews.com/id/wbna34602971>.

⁵¹ Droz, PennElys. “The Healing Work of Returning Stolen Lands”. *Yes! Magazine*, 2021. <https://www.yesmagazine.org/issue/a-new-social-justice/2021/11/15/return-stolen-lands-wiyot-tribe>.

⁵² United States, California, Eureka City Council. *Resolution 2018-19*, Eureka City Council Minutes, 4 Dec. 2018. <http://archives.ci.eureka.ca.gov/ecmxclient/File.ashx?id=107207&v=1&x=pdf>. Accessed 2021.

the Wiyot Tribal Administrator, Michelle Vassel, “It’s a really good story about healing and about coming together, of community.”⁵³

Tásmam Koyom to the Maidu Summit Consortium (Humbug Valley, CA)

PG&E donated 2,325 acres of land in Tásmam Koyom (Humbug Valley) to the Maidu Summit Consortium. The Consortium is made up of nine Mountain Maidu groups, Tribes, nonprofit and grassroots organizations. Because this transfer came out of a PG&E bankruptcy settlement, the lands were: (1) subject to permanent conservation easements restricting development of the lands, protecting their beneficial public values, and/or (2) be donated in fee simple to one or more public entities or qualified non-profit conservation organizations, who could adequately protect these beneficial public values.⁵⁴

Blue Creek to the Yurok (Klamath River, CA)

Yurok Tribe and Western Rivers Conservancy collaborated to secure 50,000 acres of land in Blue Creek, a tributary of the Klamath River. In this massive transfer, Green Diamond Resource Company joined the team to ensure the land would successfully be funded and transferred over a ten-year period. The transfer took place in February, and it created a salmon sanctuary, and successfully protected the creek all the way from the Siskiyou Wilderness to its confluence with the Klamath River.⁵⁵

2018:

Lisjan, to Sogorea Te’ Land Trust (East Oakland, CA)

Lisjan, a quarter-acre parcel of land in Oakland was transferred to Sogorea Te’. This project was a collaboration between the land trust and Planting Justice, a community organization focused on food sovereignty, social justice, and community healing. At this garden site they are planting mugwort, sage, and tobacco, amongst other things. “I really feel connecting with the land is healing for everybody. It’s not just, oh we’re Native people, we’re close to the land, we have this spiritual connection: everybody has a spiritual connection, but it’s been lost” stated Johnella LaRose, co-founder of the Sogorea Te’.⁵⁶ Together, these organizations are committed to reconnecting the Ohlone to their ancestral lands in order to facilitate healing for future generations to come.⁵⁷

Rammap to Sogorea Te’ Land Trust (West Oakland, CA)

Rammap is a small garden in West Oakland that was rematriated in 2018 in collaboration with Northern California Land Trust. It features fruit trees, raised garden beds and a vertical garden.

⁵³ Daugherty, Owen. “California city returns island to Native American tribe after more than 150 years”. *The Hill*, 2019. <https://thehill.com/blogs/blog-briefing-room/news/466763-california-city-returns-island-to-native-american-tribe-after>.

⁵⁴ “The Mountain Maidu Homeland”. *Maidu Summit*, 2019. Maidusummit.org.

⁵⁵ Yurok Tribe. “Yurok Tribe Acquires 50,000 Acres from Green Diamond; Land Along Blue Creek, Other Klamath Tributaries Will Be Managed for Conservation”. *Yurok Press Release*, Lost Coast Outpost, 2019. <https://lostcoastoutpost.com/2019/aug/14/yurok-tribe-acquires-50000-acres-green-diamond-land/>.

⁵⁶ “Lisjan.” *The Sogorea Te Land Trust*, 2 Feb. 2023. <https://sogoreate-landtrust.org/lisjan/>.

⁵⁷ “The Planting Justice Nursery & Sogorea Te’ Land Trust”. *Planting Justice*, 2019. <https://plantingjustice.org/nursery-sogorea-te/>.

The space is shared with the American Indian Child Resource Center, a program that supports Native youth who are living, working, or studying in Oakland. Together these organizations are enabling youth to reconnect with their culture, and build relationships to the land.⁵⁸

Richardson Family to Kashia Band of Pomo Indians (Sonoma County, CA)

In 2015 a California Tribe purchased a private deed from a family in Sonoma County. The Richardson family owned and lived on the property since 1925, and after so long they decided to sell it to the Kashia Band of Pomo Indians, whose ancestral territory the property is in. The Tribe partnered with the Trust for Public Lands to secure funding for the purchase, and as part of the arrangement, they “agreed to link a 1-mile-long interpretive trail on their lands with the broader California Coastal Trail.”⁵⁹ The true key to this story’s success “was identifying and forming relationships with entities that respect the Kasha’s rights”⁶⁰ who all worked for five years to make this transfer happen.

Prior to 2018:

Kuuchamaa Mountain to Kumeyaay-Diegueño Land Conservancy (Tecate, CA)

The most sacred mountain to the Kumeyaay peoples, Kuuchamaa Mountain lies just outside Tecate, California. In 2009, three bands of Kumeyaay bought 43 acres on their sacred mountain. The importance of the Kumeyaay’s reconnection to this land is one of healing and spiritual growth.⁶¹

Ah-Ha Kwe-Ah-Mac’ Kumeyaay-Diegueño Land Conservancy (Julian, CA)

In 2009, The Kumeyaay-Diegueño Land Conservancy’s (KDLC) sister organization, Native American Land Conservancy, was granted a 38-acre property near their ancestral village Ah-Ha Kwe-Ah-Mac. After the previous landowner, Francis Helen Mosler, passed away, she left instructions for the property to remain an open space. KDLC later gained its nonprofit status, it took over the land, making it the organization’s first property.⁶²

Tuluwat 2.0 to the Wiyot Tribe (Eureka, CA)

In 2004, the “Eureka City Council made history as they unanimously approved a resolution to return approximately 45 acres, comprising the northeastern tip, of Indian Island to the Wiyot Tribe.”⁶³ The Tribe was making headway in getting their lands returned, yet still the majority of Tuluwat Island was owned by the City of Eureka.

Tuluwat 1.0 to the Wiyot Tribe (Eureka, CA)

Just a few years before, in 2000, led by the former Wiyot Tribal Chairwoman, Cheryl Seidner, the Wiyot Tribe purchased 1.5 acres of their historic village site. The Tribe and allies held bake

⁵⁸ “‘Rammay.’ *The Sogorea Te Land Trust*, 3 Feb. 2022. <https://sogoreate-landtrust.org/rammay/>.

⁵⁹ Krol, Deborah Utacia. “How this tribe got their coastal California lands returned”. *Positive News*, 2 Apr. 2018. <https://www.positive.news/society/how-this-tribe-got-their-coastal-california-lands-returned/>.

⁶⁰ (Krol, 2018)

⁶¹ “Kumeyaay Diegueño Land Conservancy: News & Events.” Kumeyaay Diegueño Land Conservancy | News & Events, <http://www.kdcl.org/html/news-events.html>.

⁶² “The Mosler Property”. Kumeyaay Diegueño Land Conservancy. <http://www.kdcl.org/html/news-events.html>.

⁶³ “Tuluwat Project.” *Tuluwat Project*, Wiyot Tribe, CA, <https://www.wiyot.us/186/Tuluwat-Project>.

sales, sold t-shirts and posters, and solicited donations from across their community in order to raise the \$106,000 necessary to purchase the land. And they did.⁶⁴

Mamápukaib “Old Woman Mountains” to Twenty-Nine Palms Band of Mission Indians (San Bernardino County, CA)

East of LA, the Twenty-Nine Palms Band of Mission Indians and The Native American Land Conservancy (NALC) partnered up to purchase 2,560 acres in the Old Woman Mountains. The NALC aims to protect and restore sacred sites while providing educational resources for Native Americans and the general public. This illustrates why many Tribes wish to work with non-Tribal peoples to educate them about their lands, history, and culture.⁶⁵

Southern Humboldt/Northern Mendocino to InterTribal Sinkyone Wilderness Council (Mendocino & Humboldt County, CA)

Founded in 1986, the InterTribal Sinkyone Wilderness Council is a combination of ten federally recognized Native American Tribes with ties to land in Southern Humboldt and Northern Mendocino Counties. The organization created its first park after raising money for the purchase of 3,845 acres of land in Sinkyone ancestral lands. The management of the land “includes a preservation and restoration program focusing on stewardship of forest, salmon, and other culturally important resources” and in addition allows for “limited public access that calls for low-impact campsites and backcountry hiking trails.”⁶⁶ The intent is to provide all people with an opportunity to enjoy this park, and to provide access to the Tribes who have been excluded from these spaces since colonization.

4. Special Focus: Higher Education Institutions

Higher education institutions in the U.S. are built on stolen Indigenous lands. Higher education institutions benefit from both external colonialism (receiving land grants) as well as internal colonialism, the “biopolitical and geopolitical management of people, land, flora and fauna within the domestic borders of the imperial nation.”⁶⁷

Land Grant-Land Grab Universities:

Land Grant universities and their responsibility for land return have been thoroughly explored through a large-scale investigation published in 2020 by High Country News called *Land-Grab Universities* (LGU). In 1862, the Federal government passed the Morrill Act, making it possible for states to “establish public colleges funded by the development or sale of associated federal land grants” from nearly “250 tribal nations through 162 treaties or seizures. Nearly 11

⁶⁴ Greenson, Thadeus. “We’re coming home”. *North Coast Journal*, 2019.

<https://www.northcoastjournal.com/humboldt/were-coming-home/Content?oid=1284984>.

⁶⁵ “Mamápukaib (The Old Woman Mountains)”. *Native American Land Conservancy*, 2018.

<https://www.nativeamericanland.org/>.

⁶⁶ “InterTribal Sinkyone Wilderness Council, NE Mendocino County, CA”. *Lannan*, 2008.

<https://lannan.org/Indigenous-communities/special-projects/intertribal-sinkyone-wilderness-council-ne-mendocino-county-ca>.

⁶⁷ (Dunbar-Ortiz, 2014)

million acres of those Indigenous lands were sold to raise Morrill Act endowments,” for which “the United States paid less than \$400,000; but in truth, often paid nothing at all” for land that was confiscated through seizure or unratified treaties^{68 69 70}. The University of California is a Land Grant- or Land-Grab- institution and “benefited from 2,335 Indigenous land parcels in California, totaling 148.636 acres.”⁷¹ The Daily Cal notes in a 2020 article:

“According to Kat Whiteley, UC Berkeley ethnic studies postdoctoral fellow, in California, an attempt to claim Indigenous lands via 18 different treaties in exchange for reservations was rejected and buried by the Senate, with genocidal consequences. In turn, the United States paid nothing for the Californian land and made a profit of \$23 million by the early 1900s, now worth about \$500 million, according to Lee. At its height, Lee added, the Morrill Act endowments covered more than a third of operating expenses for UC Berkeley.”⁷²

Western higher education institutions must critically consider the connections between land, treaties, and dispossession that influence systemic barriers facing native students and how land return as “higher education policy and practice can address issues of access, college affordability, and equity for Native peoples.”⁷³

According to the Lumina Foundation:

“For generations, colleges benefited (and continue to benefit) from Native land dispossession. Unfulfilled treaty obligations and the wealth accumulated through higher education policy, including the Morrill Act, have further restricted college degree attainment among Native peoples. Higher education policies and practices must address systemic barriers, including the lack of data and the persistence of false, harmful public perceptions of Native peoples at the federal, state, and institutional levels.”⁷⁴

Some of the steps colonial educational institutions can take to acknowledge, honor, and give back to the Indigenous peoples whose lands they occupy include “making sure Indigenous people don’t have to pay for their programs and services.”⁷⁵ This may include allocating

⁶⁸ “Morrill Act (1862)”. The U.S. National Archives and Records Administration.

<https://www.archives.gov/milestone-documents/morrill-act>

⁶⁹ Lee R, et al. “Land-Grab Universities”. *High Country News*, 2020. <https://www.landgrabu.org/>

⁷⁰ Lee, Robert, and Tristan Ahtone. “Land-Grab universities: Expropriated Indigenous land is the foundation of the land-grant university system”. *High Country News*, 2020. <https://www.hcn.org/issues/52.4/Indigenous-affairs-education-land-grab-universities>

⁷¹ (Lee et al., 2020)

⁷² Roseborough, Veronica. “Begin Righting a Great Wrong’: UC Berkeley Discusses Impact of Indigenous Land-Grab.” *The Daily Californian*, 8 Oct. 2020, <https://www.dailycal.org/2020/09/28/begin-righting-a-great-wrong-uc-berkeley-discusses-impact-of-Indigenous-land-grab>.

⁷³ Nelson, Christine A., et al. Native Land: Recognize It's Our Land, and Honor the Treaties. *Lumina Foundation*, Feb. 2021, <https://www.luminafoundation.org/wp-content/uploads/2021/02/borrowers-of-color-2.pdf>.

⁷⁴ (Nelson et al., 2021)

⁷⁵ Čhaṅtémaza (Neil McKay), and Monica Siems McKay. “Where We Stand: The University of Minnesota and Dakhóta Treaty Lands.” *Open Rivers: Rethinking Water, Place & Community*, no. 17, 2020. <https://openrivers.lib.umn.edu/where-we-stand>.

significant funding, resources, and infrastructure to Native students, through initiatives such as “free housing, increasing emergency aid and supplemental funding, allocating infrastructure funds to expand broadband access, investing in technology support and curriculum development, and ensuring that students have access to culturally sustaining support systems.”⁷⁶

South Dakota State University redirected income from its remaining Morrill acres into programming and support for prospective Native Students, while the Bell Museum highlights Dakhóta and Ojibwe worldviews and languages, with free admission for Native People.^{77 78} Student members of the Native American and Indigenous Students (NAISAC) at Cornell University want Cornell to implement a “mandatory introductory Indigenous studies class for all first-year students”, along with the return of “Cornell-owned land in Ithaca not ‘immediately utilized for educational purposes’ to traditional Gayogohó:nq’ leadership; “Knowing how to navigate those relationships with the communities that historically lived in that area and still live in that area to this day is vitally important to conducting ethical research in that space”⁷⁹

Higher Education institutions regardless of their “land-grant” status remain culpable to colonial dispossession of Indigenous lands in the name of higher education. Universities continue to take possession of lands through ongoing land purchases, donations, and planned gifts, alongside the expansion of University programs. This effectively means that Universities are continuing to build their significant wealth through Indigenous land dispossession. What does it mean for a university to instead value collaboration with tribes for true decolonization? Universities could, and should, lead the way in demonstrating how to foreground land return as universities continue to claim they are at the forefront of developing best practices in preventing climate change and building climate resiliency, both of which have been tied to the return of Indigenous lands.

Special Feature: Land Return and California State Universities

Mouralherwaqh (“*wolf’s den*”)- In 2022, the Wiyot Tribe partnered with Cal Poly Humboldt, as well as other organizations including Humboldt Baykeeper and Friends of the Dunes in the acquisition of a 48-acre coastal property Mouralherwaqh on Wigi (‘Humboldt Bay’). The focus for the site is now ecocultural restoration and protection. Funding for the purchase came from the State of California through Ocean Protection Council Proposition 1 Grant. Mouralherwaqh marks the first instance that California “has funded tribal acquisition of ancestral lands as a part of addressing climate change.”⁸⁰ Adam Canter, the Director of the Wiyot Tribe Natural Resources Department expressed hope that the project can “serve as a model for how tribes, academia, and non-governmental organizations can work with state

⁷⁶(Nelson et al., 2021)

⁷⁷ (Lee and Ahtone, 2020)

⁷⁸ (Čhañtémaza and McKay, 2020)

⁷⁹ Stamm, Kathryn. “Indigenous Students Demand Recognition of Cornell’s History, Recourse for Injustice”. *The Cornell Daily Sun*, 2020. <https://cornellsun.com/2020/10/28/Indigenous-students-demand-recognition-of-cornells-history-recourse-for-injustice/>

⁸⁰Savage, Jennifer. “Wiyot Tribe Reclaims Mouralherwaqh.” *North Coast Journal*, North Coast Journal, 20 Aug. 2022, <https://www.northcoastjournal.com/NewsBlog/archives/2022/08/20/wiyot-tribe-reclaims-mouralherwaqh>.

agencies to facilitate the return of Indigenous lands to their original stewards. Such efforts, he said, benefit the environment and climate, ‘while also providing access to nature and environmental justice to the communities that have been historically excluded by settler-colonialism and the structures of privilege that they perpetuated’.⁸¹

Mechoopda Tribe- In 2022, the Mechoopda Tribe were transferred ownership of 93-acres of their ancestral lands located in Butte Creek Canyon from California State University, Chico by the State of California through Assembly Bill 379 in a zero-dollar land transfer-agreement. The Butte Creek Canyon Preserve had been owned by CSU Chico since 1998, and served as an educational site for “Chico State students in numerous disciplines and provided grounds for critical research on water quality, wildlife, fire prevention, and other areas of interest”, said Chico State President Gayle Hutchinson, who also stated that the Mechoopda Tribe are the “stewards to lead the recovery (from the 2018 Camp Fire), restoring the reserve to its vibrancy.”⁸² Educational activities, including research and field trips for K-12 students, will continue in Butte Creek Canyon due to a Memorandum of Understanding between the Mechoopda Tribe and CSU Chico. The Executive Director of California Wildlife Conservation Board John Donnelly, a representative of an approving party of the land-transfer, stated that “The Mechoopda, with centuries of expertise of our local ecosystems and watersheds, are uniquely qualified to improve and manage the Butte Creek Ecological Preserve..help(ing to) create a healthy ecosystem that is resilient, fire-adaptive, and beneficial to the entire community”⁸³.

5. Special Focus: “Surplus Lands”

‘Surplus lands’ are classified by the State of California as “land owned by any local agency that is determined to be no longer necessary for the agency's use, except property being held by the agency for the purpose of exchange.”⁸⁴ Land must be declared either ‘surplus’ or ‘exempt surplus’ as supported by written findings.”⁸⁵ California government code sections 54220-54232 pertains to ‘surplus land.’ Classification as surplus land subsequently allows the local agency to ‘dispose’ of this property through a regulated process consistent with both state and agency policies and procedures, where disposal is defined as the “sale or lease of local agency-owned land formally declared a surplus.”⁸⁶ In the disposition of surplus lands (though *not* ‘exempt surplus lands’), the local agency must send written offers to sell or lease the property to local public entities for the development of low- and moderate-income housing, to park and recreation departments within the city, county, or region of the property, to the State Resources

⁸¹ (qtd. in Savage, 2022)

⁸² Staples, Andrew. “Ancestral Land in Butte Creek Canyon Returned to the Mechoopda Tribe”. *Chico State Today*, 2022. <https://today.csuchico.edu/bcep-transferred-to-mechoopda-tribe/>

⁸³ (Staples, 2022)

⁸⁴ *California Government Code - Section 54220-54232 :: Article 8. Surplus Land*, 2009.

<https://law.justia.com/codes/california/2009/gov/54220-54232.html> .

⁸⁵ United States, California, Newsom, Gavin, et al. *Surplus Land Act Guidelines*, Apr. 2021.

https://www.hcd.ca.gov/community-development/docs/sla_guidelines_final.pdf. Accessed 22 Mar. 2023.

⁸⁶(U.S. Newsom et al., 2021)

agency, for school facilities construction or for use by a school district, or for infill projects.⁸⁷ These public entities then have a 60-day period to enter into negotiations for a purchase or lease agreement of the parcel, before the property may be sold or leased to a third party.

Though Article 8 of the California Government Code did not elucidate the classification of property as ‘surplus land’ as a pathway for land return to Tribal Nations prior to 2022, precedent was set by the City of Eureka in Humboldt County, a municipality which returned Tuluwat Island to the Wiyot Tribe. This process of classifying Tuluwat as ‘surplus land’ and the subsequent conveyance of this 202.3-acre parcel complied with both state and local agency policies and procedures.⁸⁸ An initial study by the city and a negative declaration following a California Environmental Quality Act (CEQA) determination and review enabled the ‘disposition’ of the property was conformance with the government code sections, namely the parcel’s potential for development*, potential for current or future public use*, and whether the adopted general plan supported the surplus classification. Tuluwat, named ‘Indian Island’ by the City of Eureka, was zoned with land use as ‘natural resources’, allowing limited site use by public and private entities. With this zoning, the only possible public uses were for park uses based on the City of Eureka’s study of the site. Based on this analysis, offers to sell or lease the parcel were sent to four agencies- California Department of Parks and Recreation, the California Natural Resources Agency, North Coast Redwoods District CA Department of Parks and Recreation, and Humboldt County Parks, with a 60-day response window in which they could register their interest. No interest was registered within the 60-day window. There was no analyzed present or future public use of the property, or possibility of development in the study by the city. There was also no mention of ‘Indian Island’ in the adopted general plan, and was thus not in conflict with the general plan. The CEQA review indicated that there was no substantial evidence the project would have a significant effect on the environment, and the Negative Declaration reflected the City’s independent judgment and analysis, which was further confirmed by the submission of the CEQA document to the state clearinghouse for review by state agencies^{89,90}. All of the aforementioned factors contributed to the unanimous adoption of 202.3 acres of Tuluwat, owned by the City of Eureka, as ‘surplus land’ by the City Council on December 4th, 2018⁹¹.

Tuluwat was subsequently transferred to the Wiyot Tribe by the City of Eureka. This was “a move without precedent across the nation, according to numerous experts consulted ... all of whom said that while there have been instances of the federal government, nonprofits and private entities returning land to tribes, Eureka appears to be the first local municipality to have ever

⁸⁷ (California Government, 2009).

⁸⁸California, Eureka, Development Services Department, and Rob Holmlund. *Notice of Public Hearing, Eureka City Council*, 2018. Accessed 2023. <https://www.eurekaca.gov/DocumentCenter/View/1572/SP-18-0002-Indian-Island-Property-Surplus---City-Council-120418-PDF?bidId=>

⁸⁹Planning Commission Meeting, 2018, http://eureka.granicus.com/player/clip/902?view_id=2&redirect=true&h=ff829d0f0cad9ba3fb0f1fea5a16d58c%3A. Accessed 22 Mar. 2023.

⁹⁰ (California Holmlund, 2018)

⁹¹Santos, Philip. “Eureka City Council Advances Transfer of Indian Island Land.” *Times, Times-Standard*, 5 Dec. 2018, <https://www.times-standard.com/2018/12/04/eureka-city-council-advances-transfer-of-indian-island-land/>.

taken such a step” in the absence of a sale or lawsuit settlement⁹². “Bob Anderson, the director of the Native American Law Center at the University of Washington School of Law said that ‘It sets an important precedent for other communities that might be thinking about doing this’”⁹³. Within California, when the right conditions converge for a local agency to classify land as ‘surplus’, this offers a pathway for those entities to return land to tribal nations.

‘Surplus lands’ has historically been terminology that allowed for large swathes of land to be removed from tribal community ownership and passed to the hands of white landowners, without moving the boundaries of reservations. The General Allotment Act (also known as the Dawes Act) was adopted nationally in 1887, which dictated the survey of reservation lands and their subsequent allotment to individual registered members of the tribe, with allottees gaining only ‘beneficial or usufruct title’.⁹⁴ A 1906 Act authorized the Secretary of the Interior “to sell or dispose of unallotted lands,” originating from a supreme court case with the Colville Indian Reservation. Once allotment was completed, the “surplus lands would be classified, appraised, and then opened to settlement under federal land and mineral laws,” with the sale of these lands referred to as ‘disposal’⁹⁵. In 1916, a second category of surplus lands statutes was established, where “surplus lands were to be ‘vacated and restored to the public domain.’”⁹⁶ The intention of these surplus lands statutes was the dispossession of land from tribal nations. Any land that was not allocated to an individual tribal member had the potential to be considered public land and sold. This is not, by any means, the only mechanism through which the state and federal government dispossessed land from tribal communities, nor the only mechanism through which ‘public land’ was established, but it is important in understanding that the creation and expansion of ‘public lands’ has been a continuous dispossession of land from tribal communities, and that a significant chapter of this dispossession has occurred in the context of the creation of ‘surplus lands’ from reservations, and their subsequent ‘disposal’ by the federal government.

The California Surplus Lands Act (SLA), though introduced in 1968, over thirty years after allotment ended, cannot be siloed from the history of dispossession of land from California tribal communities. Though the 1968 SLA has “directed local agencies to prioritize the use of surplus public land for public parks, schools, and housing”⁹⁷, and specifically contextualizes ‘surplus lands’ as a categorization of local agency-held public lands. Consistent with the 2021 update of the Surplus Lands Act Guidelines, entities eligible for the development of low- and moderate-income housing, housing sponsors, may include “duly constituted governing body of an Indian reservation or rancheria, tribally designated housing entity, or other legal entity, or any

⁹²Greenon, Thadeus. “Duluwat Island Is Returned to the Wiyot Tribe in Historic Ceremony.” *North Coast Journal*, North Coast Journal, 21 Oct. 2019, <https://www.northcoastjournal.com/NewsBlog/archives/2019/10/21/duluwat-island-is-returned-to-the-wiyot-tribe-in-historic-ceremony>.

⁹³(Greenon, 2019)

⁹⁴ “Land Tenure History.” *Indian Land Tenure Foundation*, <https://iltf.org/land-issues/history/>.

⁹⁵Campbell, Susan D. “Reservations: The Surplus Lands Acts and the Question of Reservation Disestablishment.” *American Indian Law Review*, vol. 12, no. 1, 1984, pp. 57-99, <https://doi.org/10.2307/20068250>.

⁹⁶ (Campbell, 1984)

⁹⁷ Hoeplich, Cassie. “The California Surplus Lands Act and the Role of Community Land Trusts.” *Department of Urban Planning at the University of California, Los Angeles*, T.R.U.S.T. South L.A., 1 June 2021, https://trustsouthla.org/wp-content/uploads/2021/07/Capstone_Hoeplich.pdf.

combination thereof, certified by CalHFA”⁹⁸. The ‘housing sponsor’ would notify the California Department of Housing and Community Development (HCD) of their interest in ‘surplus’ land in the county, which would then notify the housing sponsor of new classifications of surplus lands as they become available for lease or sale, which offers an additional avenue for the transfer of ‘surplus’ lands to tribes.

AB 1180, which went into effect on January 1, 2022 thanks to the work of the primary sponsor, the Tule River Indian Tribe, expands the eligibility in the receipt of ‘exempt surplus lands’ to include federally recognized California Indian tribes⁹⁹. Prior to the passage of AB 1180, ‘exempt surplus lands’ could be transferred to “another local, state, or federal agency. AB 1180 added federally recognized Indian tribes to the definition of agencies who may purchase ‘exempt surplus land’.”¹⁰⁰ This modifies the pathway for land return. The parcel must still be classified as ‘exempt surplus lands’ by the local agency, and be consistent with local policies and procedures surrounding this process. For the City of Eureka, a precedent-setting example, this would still require the CEQA determination and Planning Commission review, report, and recommendation prior to a public vote in the categorization of a parcel as ‘exempt surplus land’. Classification as ‘exempt surplus lands’ would enable a local agency to bypass the disposition requirements of ‘surplus lands’ - namely that written offers to sell or lease the property do not need to be sent to any entity prior to the transfer of the property to a tribe.¹⁰¹ AB 1180 was primarily sponsored by the Tule River Indian Tribe and received formal support from other federally recognized tribes, “including the Barona Band of Mission Indians, the Jamul Indian Village of California, the Tejon Indian Tribe and the Yocha Dehe Wintun Nation, as well as the City of Porterville.”¹⁰² In the words of William Garfield, Chairman of the Tule River Indian Tribe:

“Federally-recognized California Indian Tribes have been excluded from many state laws that create opportunities for tribes to collaborate with nearby local governments...adding tribes to the California Surplus Land Act is an important step toward respecting the sovereignty of tribal governments, and it will facilitate joint planning between tribes and local governments that will improve local communities for all people”¹⁰³.

Under a more critical examination, the conditions of land being classified as ‘surplus’ are not unilaterally favorable for a tribe. While it is encouraging that this precedent has been established, and a clear pathway exists for the transfer of locally-owned public lands back to tribal communities, made clearer by AB 1180, land return should not be limited to landscapes

⁹⁸ (U.S. Newsom et al., 2021)

⁹⁹“AB 1180.” California Assembly (20212022) - Open States, 2021, <https://openstates.org/ca/bills/20212022/AB1180/>.

¹⁰⁰Murdoch, Kia. “Respect for California Tribal Court Orders and Avenues for Tribes to Purchase Land.” *Cal Indian Legal Services*, California Indian Legal Services, 2021, <https://www.calindian.org/respect-for-california-tribal-court-orders-and-avenues-for-tribes-to-purchase-land/>.

¹⁰¹(Land Tenure)

¹⁰²Mathis, Devon. “Tribal Governments Gain Equality Regarding Surplus Lands”. *Devon Mathis 33rd Assembly District Press Release*, 12 Jul. 2021. <https://ad33.asmrc.org/2021/07/12/tribal-governments-gain-equality-regarding-surplus-lands/>

¹⁰³(Mathis, 2021)

which have no conceivable use by local agencies. The very limiting and dismissive labeling of these as ‘surplus lands’ seemingly negates ongoing tribal relationships to the lands, surplus to who? In the words of the Wiyot Tribal Chairperson Ted Hernandez. “I’m not calling it surplus; it’s sacred lands,” he said. “It’s time to heal”¹⁰⁴.

Tuluwat, named by colonizers as ‘Indian Island’ includes the Wiyot villages of Etpidolh and Tuluwat. Excepting the period of disruption from settler colonial land theft, Tuluwat has been under the care of the Wiyot tribal peoples for time immemorial and the Wiyot know it to be the center of their world. *Tuluwat* is also the location of a clamshell mound, “measuring over six acres in size and estimated to be over 1,000 years old, is an irreplaceable physical history of the Wiyot way of life. Contained within it are remnants of meals, tools, and ceremonies, as well as many burial sites.”¹⁰⁵ The massacre happened as the Wiyot were holding a World Renewal Ceremony in 1860. This was the first of many attacks against the Wiyot, where villages were burned and attacked in the days and weeks after the massacre.¹⁰⁶ Though we discuss the massacre as an important remembrance, this atrocity must not define the understanding of Tuluwat as the center of the world for the Wiyot. The massacre of 1860 is also not the only atrocity suffered by the Wiyot people and the land over the course of invasion. When settlers massacred their way to control of the island, they “diked and drained it for agricultural and dairy production. Later, a ship repair facility was operated on the northeast side of the Island”, leading to significant contamination throughout Wigi (‘Humboldt Bay’) that persists to this day; “the settlers destroyed the Wiyot structures on the Island and dug up, disturbed and chemically contaminated the ancient Wiyot shell mound.”¹⁰⁷

The Wiyot Tribe, upon the return of parcels of Tuluwat over the period of 2004 to 2018 which was fought for since the “day after the massacre: Feb. 27, 1860”, in the words of former Wiyot Chairwoman Dr. Cheryl Seidner, developed the ‘Tuluwat Project’, with the goal of “restoring cultural heritage and ecological resources of the site and surrounding salt marsh, to construct a cultural center open to the public, and to restore the site to once again perform Tribal ceremonies there.”¹⁰⁸ This required the implementation of a cultural and environmental restoration project, including the removal of contaminated material- over sixty tons of scrap metal, many tons of garbage, the completion of a brownfields assessment and initiation of the brownfields project completion, and remediation plan and implementation of restoration of the ecosystems around Tuluwat, and the implementation of erosion control and native plant landscaping¹⁰⁹. It has fallen on the Wiyot Tribe to fund this remediation and trauma-informed healing for the land through their ‘Sacred Sites fund’, while also working to source grant and donative funding.

Though it may, at first, appear innocuous that Tuluwat was classified as ‘surplus lands’, which were subsequently passed up for public use by state agencies in the process of ‘disposal’,

¹⁰⁴(Santos, 2018).

¹⁰⁵Wiyot Tribe. “Tuluwat Project”. Wiyot Tribe, <https://www.wiyot.us/186/Tuluwat-Project>.

¹⁰⁶(Rhode, 2010)

¹⁰⁷(California Holmlund, 2018)

¹⁰⁸ (Wiyot Tribe, 2023)

¹⁰⁹ (Wiyot Tribe, 2023).

this classification and subsequent ‘disposal’ by the City of Eureka also placed the fiscal and practical responsibilities of remediation for any ‘use’ upon the Wiyot Tribe. ‘Surplus’ lands are classified with no conceivable public use, no potential for development, and lack of inclusion in the local agency’s general plan- many of these lands are heavily contaminated, disturbed, and require extensive remediation due to trauma from settler-colonial land management practice. The pathway for land return surrounding ‘surplus’ and ‘exempt surplus’ lands often includes these significant costs of remediation and restoration to be surmounted by the tribal community prior to any functional ‘use’ of the land; this also invites an important dialogue and creation of practices around trauma-informed care and healing for landscapes and, reciprocally, Indigenous communities of place.

Additionally required for the return of Tuluwat, within the City of Eureka and State’s policies and procedures pertaining to ‘surplus lands’ was the negative CEQA determination. A negative CEQA determination is also required for ‘exempt surplus lands’ to be ‘disposed of’- the pathway elucidated by AB 1180. The hypocritical CEQA determination required for the local government agency’s allocation to a tribe- a sovereign nation whose land was stolen - to have their projects deemed appropriate based on an evaluation of potential environmental impacts. In the case of Tuluwat, it is settler colonial land management and harm that turned the spiritual center of the world for the Wiyot, the epitome of balance and healing, into a brownfield and massacre site. Though it is acknowledged that a pathway of land return exists in so-called California under government code sections 54220-54232, there are also many problematic hurdles and veiled implications to such a pathway that require significant overhaul.

6. Recommendations for Legislative and Policy Actions

A. Background

As a signing party to the United Nations Declaration of the Rights of Indigenous People (UNDRIP), the priorities and principles stated in the Declaration are not just important guidelines for working with Indigenous Peoples (and in this case specifically California Tribes), but morally binding goals for our nation.

Article 19 of the UNDRIP states “States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.” (UNDRIP). The concept of consent is somewhat foreign in regard to the US’s relationship with Tribes, yet lies at the core of the issues we are experiencing and addressing today. In order to move forward, addressing the lack of consent with Tribes as it pertains to US property law is essential.

In California, the lack of ratified Treaties makes addressing this critical as it has led to the state and federal governments not recognizing the fishing and hunting rights of California Tribes, nor recognizing and adjudicating water rights. Due to California’s historical unwillingness to approach Tribes as sovereign nations, Tribes have to deal with overly burdensome state

regulations that keep them from being able to properly manage resources. As a result of antiquated regulatory restrictions, the state often treats Tribes as landowners rather than sovereign nations.

There are current efforts to recognize and address these shortcomings from the state of California. Below are examples of how California's administration has and is currently working to address our genocidal past to become more aligned with the UNDRIP.

B. Established State Policies and Regulations

a. Executive Order B-10-11 (EO B-10-11)

Former California Governor, Edmund Gerald "Jerry" Brown, enacted an Executive Order on September 19, 2011, which implemented the Office of the Tribal Advisor to the Governor's office. The Order specifically tasks the Tribal Advisor with "oversee[ing] and implement[ing] effective government-to-government consultation between [the current] Administration and Tribes on policies that affect California tribal communities" (EO B-10-11).

This step was the first in the direction of building relationships between the state and Tribal governments (and people). The Order continues by encouraging all state agencies to engage in communication and consultation with Tribes across the state, including federally and non-federally recognized Tribes.

b. Executive Order N-15-19 (EO N-15-19)

On June 18, 2019, California was the first state to issue an apology to Tribes regarding the "violence, exploitation, dispossession and attempted destruction of tribal communities" in Executive Order N-15-19. This apology acknowledged some of the genocidal acts, stated a desire to repair the past, and created the Truth and Healing Council.

California's Truth and Healing Council includes California Native leaders and is headed by the Governor's Tribal Advisor. The goal of the Council is to provide information as to the elaborate histories of California's Tribes, as well as the events that took place during European invasion, in order to build an accurate historical record of the relationship between Tribes and the state.

c. Statement of Administration Policy - Native American Ancestral Lands

On September 20, 2020, Governor Newsom released a Statement of Administration Policy regarding Native American ancestral lands. The following is an excerpt from page 1 of the Statement:

Consistent with the goals of such Executive Orders [B-10-11 & N-15-19], and in the spirit of truth and healing in recognition of past harms done to California Native American communities, *it is the policy of this administration to encourage every State agency, department, board and commission (collectively, "entities") subject to my executive control to seek*

*opportunities to support California tribes’ co-management of and access to natural lands that are within a California tribe’s ancestral land and under the ownership or control of the State of California, and to work cooperatively with California tribes that are interested in acquiring natural lands in excess of State needs. [emphasis added]*¹¹⁰

Although “excess” is not defined in the Statement, it does note a requirement to comply with “all applicable laws and regulations.” Surplus lands can be defined as lands that the state agency no longer deems necessary in accordance with the agency’s mission. The goals of the policy include support for Tribal self-determination, coordinating Tribal access to “sacred sites and cultural resources,” and facilitating the ability of Tribes to “engage in traditional and sustenance gathering, hunting and fishing,” and to reduce “fractionation of tribal lands.” These statements, in conjunction with EO B-10-11 and EO N-15-19, confirm the state’s intention in building relationships of trust and collaboration with California’s Tribes and Tribal peoples, while working towards healing, co-management, and even LandBack in some cases.

d. Assembly Bill 52: Tribal Cultural Resources (AB 52)

Assembly Bill 52 (Chapter 532, Statutes 2014), which went into effect in 2015, is triggered during the CEQA process when a new project has a notice of preparation or notice of negative declaration/mitigated negative declaration filed. AB 52 established a consultation process with all California Tribes, federally and non-federally recognized tribes, that are listed on the Native American Heritage Commission’s list. It also created a Tribal and Cultural Resources class of resources that need to be considered during determination of project impacts and mitigation. AB 52 required an update to CEQA Guidelines to include questions related to impacts to tribal cultural resources. Section XVII “Tribal Cultural Resources” contains the added questions:

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
- b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.¹¹¹

¹¹⁰United States, California, Office of Governor, and Gavin Newsome. Statement of Administration Policy, Native American Ancestral Lands, 25 Sept. 2020. <https://www.gov.ca.gov/wp-content/uploads/2020/09/9.25.20-Native-Ancestral-Lands-Policy.pdf>

¹¹¹United States, California, Governor’s Office of Planning and Research. *Tribal Cultural Resources (AB 52)*. <https://opr.ca.gov/ceqa/tribal/>. Accessed 22 Mar. 2023.

Since AB 52 requires formal Tribal consultation it could be a critical tool in establishing regulations and policy to support land return efforts and establishing where there are ties to important lands and needs for co-management.¹¹²

C. State Policies and Regulations with Opportunities for Action

a. California Public Utilities Commission Tribal Land Transfer Policy

Early in 2021, California established a Public Utilities Commission Tribal Land Transfer Policy (TLPT) which provides mandatory guidelines on how public utilities corporations, or Investor Owned Utilities (IOUs), are to “take affirmative steps to determine whether California Native American Tribes are interested in purchasing the property” (Resolution E-5076, Jan. 20, 2021) and provide the Tribes a right of first refusal for the property. Due to this policy, PG&E successfully returned 756 acres of Hat Creek in Shasta County to the Pit River Tribe in 2021.

As we saw in the Statement of Administration Policy, the state encourages agencies to return to the Tribes “natural lands in excess of state needs.” Because of this, the state should create a Tribal State Lands Committee - headed by compensated Tribal representatives - that work with state agencies to identify where surplus lands could already exist or come to exist in the future. Such a committee can then work towards creating a pathway for land return. This type of committee would work directly with all local municipalities, whereas a local agency or governing body examines the requirements for the classification of ‘exempt surplus lands.’ Following in the footsteps of the City of Eureka in regard to the return of Tuluwat Island to the Wiyot Tribe in 2018, upon identifying such lands they could be returned to the local Tribe by a simple majority vote. To take this a step further, an alternative pathway is one that is not contingent on the classification of land as ‘surplus.’

California should take similar action within all of its management agencies to establish policies for Land Transfers. A critical aspect of these actions would be allowing local Tribes first right of refusal for land sales before declaring land ‘surplus’ to avoid misappropriation of Tribal lands.

Unfortunately, many parcels will be nuanced and require a focused case-by-case approach. Ideally, though, a statewide policy that covers some generalities which re-establishes a focus on Tribes’ connections with the lands and waters throughout the state. It may be necessary to establish rules stating whether and how state agencies are able to transfer land to Tribes. A Tribal State Lands Committee could work to determine which parcels are most culturally significant for Tribes and develop procedures for working with state, agencies, and counties regarding the return of such parcels.

b. Assembly Bill 379 (AB 379)

¹¹²“AB-52 Native Americans: California Environmental Quality Act”. *California Legislative Information*, 2013-14. https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB52

California's Wildlife Conservation Board was established in 1947 by the Wildlife Conservation Law and is managed under California's Department of Fish and Game. The Law requires the "board to investigate, study, and determine the areas in the state that are most suitable for certain wildlife-related purposes" (Wildlife Conservation Law). The law authorizes Fish & Game, with the approval of the board, to make grants or loans to nonprofit organizations, local governmental agencies, federal agencies, and state agencies for projects which support fish and wildlife in the state. AB 379, sponsored by Assembly Member James Gallagher and passed on September 9, 2021, authorizes the department to make grants or loans to California Native American Tribes, as well.

This important modification enabled 379 acres of Butte Creek Ecological Preserve to be transferred from Chico State to the Mechoopda Tribe. The question is, how many other laws need to be changed to include the language 'and California Native American Tribes'?

Adding this language to each individual bill is time consuming and costly. Instead, the state might pass a bill that modifies this language across the board, so that there is no question as to whether Tribes are named parties to which lands may be returned

c. California's 30x30 Plan

In October of 2020, Governor Newsom enacted Executive Order N-82-20, which committed California to conserving thirty percent of the state's land and coastal waters by 2030. The Executive Order places the California Natural Resources Agency at the head of coordinating this effort in collaboration with other state agencies and 'stakeholders.' (<https://www.californianature.ca.gov/pages/30x30>).

In February 2022, *Pathways to 30x30*, a document that directs how this goal is to be achieved, was delivered. This plan includes the following strategies:

- Describe the key objectives and core commitments that are a part of California's 30x30 conservation framework.
 - Define conservation for the purpose of California's 30x30 initiative and establish a current baseline of conserved areas.
 - Outline strategic actions necessary to achieve the 30x30 target.
 - Introduce CA Nature, a suite of publicly available applications to identify conservation opportunities and track collective progress.
- (<https://www.californianature.ca.gov/pages/30x30>)

On page 8 of the *Pathways to 30x30* document, it states "This insight and direction were provided through nine regional workshops, five topical advisory panels, consultations and meetings with over 70 California Native American tribes." There are currently approximately 110 federally recognized Tribes in the state of California. An additional 80 or so are seeking federal recognition, and at least 45 unrecognized Tribes. While consultation with 70 Tribes is a good starting point, every Tribe must be represented or opt out. Additionally, consultation is not collaboration and a single meeting with a Tribe is insufficient.

i. Tribal Representation and Staffing Needs

In 2021, an Assistant Secretary of Tribal Affairs was hired to work directly with California's Tribes in regard to the 30x30 Plan. While the Assistant Secretary's role is crucial to consultation and collaboration with all of California's Tribes, it is a task that is beyond any one person's reach. Two years later, there are countless Tribes that have yet to be consulted regarding their inclusion in the 30x30 Plan. Tribal involvement is vital to the recognition of Tribal sovereignty. Without direct collaboration with every Tribe, the state continues to perpetuate genocidal behavior which denounces the promised relationship between Tribes and the Government.

Additionally, there is a critical need to establish mechanisms and incentives to get counties to the table regarding land return and co-management to meet 30x30 goals. In California, some of the counties with the greatest remaining biodiversity also have the highest populations of Tribal people and lands held in trust. They often also have Tribal governments that have a heavy focus on the preservation of natural resources and departments with experience in traditional land management. However, there is little to no Tribal representation in county political bodies or in the state and federal legislature. This has led to situations where the counties have no understanding of Tribal sovereignty and have directly worked against the interests of Tribes. In many situations, local representatives have opposed both Tribal land return and conservation and created laws and regulations that counter state and federal policy. Without plans on how to address this situation, both 30x30 and land return goals will fall short. Plans should include incentives such as government loan programs, tax breaks for land returns, county support for the creation of nature based and Tribally owned businesses and planners, standards for county plan updates, third-party purchasers, and other strategies. However, these plans will need to be created in collaboration with local Tribes and allies in order to be effective.

Adequate staffing, ideally with a focus on California Tribal representation, must be provided to the Assistant Secretary's team so that each Tribe - federally and non-federally recognized - may be consulted and collaborated with throughout the 30x30 process. In particular, hiring and assigning an individual for Tribes to work with on land return applications and processes, and that would generally act as the lead liaison between the state, counties, and Tribes is essential and overdue. In-person conversations are an important part of building relationships - specifically in REbuilding the kinds of relationships that have been historically genocidal and extractive. When in-person meetings are unavailable, we thankfully have digital meeting options which can facilitate the consultation and collaboration process.

ii. Tribal Consultation and Engagement Needs

Developing a state and agency-wide policy regarding Tribal consultation founded on principles found in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is a necessary next step. Specifically, Article 15 Section 2 states "States shall take effective measures, in consultation and cooperation with the Indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among Indigenous peoples and all other segments of society" (UNDRIP).

In order to be inclusive, it is essential that there be a Tribal Conservation program with a clear process for Tribal engagement with making recommendations to the state as to which parcels or waters are priorities to Tribes. Furthermore, these recommendations must be considered a priority, above other recommendations, not simply because restoring Tribal relationships to ancestral lands is highly necessary for the health of our ecosystems, but because it is also the *right thing to do*. In addition to such a conservation program, there must be funding to support these initiatives to support the engagement of both federally and non-federally recognized Tribes in California. Because of the structure of some Tribes, it would need to have language that includes Tribes who are incorporated as a 501(c)(3) organization, and it is critical that there are no limitations on land returns in relation to lands being able to be put into trust.

iii. Funding Needs

In March 2022, as part of California's 30x30 Plan, Governor Newsom announced that he would be proposing the establishment of a \$100 million fund for California's Tribes to build "climate programs and workforce development to Tribal conservation and *land returned* for Tribally-led climate solutions" (\$100M Land Return). While this funding is a positive first step towards achieving the goals set forth in the 30x30 Plan, EO N-15-19, and EO N-82-20, we must consider the cost of real estate in the state of California, and how far (or not) \$100 million will actually take us. In addition to the cost of land, there is the cost of capacity building for Tribes to partake in these transfers. Each of these transfers will require an attorney, environmental planning and management personnel, administrative personnel, and more. In addition, because many of the parcels that are selected for return are in poor environmental health, there will be remediation steps needed in order to bring the LandBack to health. It will be critical that funding for this restoration is identified and prioritized.

California is making progress towards reconciling brutal histories - histories which began with a governor who stated "[t]hat a war of extermination will continue to be waged between the races until the Indian race becomes extinct must be expected" (Burnett). But there is still a critical need to address the state's history in relation to unratified Treaties and for solutions to be proposed to the lack of treaty rights for most of California's Tribes. The state has come a long way, yet there is a long way to go and many millions of acres of lands to be returned.

D. Federal Regulations and Policies with Opportunities for Action

While there are examples of Federal Lands return on National Forest lands these have come on a case by case basis through legislation. There are several assessments and policies that can be put into place through federal agencies that would make land return much easier and more streamlined. Agencies these would apply to could include the US Fish and Wildlife Services, which manages the Nation's Wildlife Refuges, the US Forest Service, which manages the nation's National Forest System and the Bureau of Land Management (BLM), which manages the nation's BLM lands, the Bureau of Reclamation. Regulatory agencies such as the Federal Energy Regulatory Commission (FERC) could also adopt policies that encourage first right of refusal and land return for Tribes and Tribally led land trusts in situations where energy projects with associated lands are abandoned or decommissioned.

While policies alone will not negate the need for legislation for public land returns, in some cases these agencies regularly dispose of excess lands but do not have a Tribal first right of refusal policy or a process for including Tribes in identifying and disposing of excess lands. There are some planning efforts occurring currently that could include policy statements and processes to deal with these issues such as the federal 30x30 or American the Beautiful Initiative, the updates to the Northwest Forest Plan. Working to identify federal lands for return through these processes through Tribal consultation could lead to future legislative actions.

E. Summary of State and Federal Recommendations

The following is a list of the recommendations discussed above:

A. CPUC Tribal Land Transfer Policy:

1. The state should create a Tribal State Lands Committee - headed by compensated Tribal representatives - that work with state agencies to identify where surplus lands could already exist or come to exist in the future.
2. A statewide policy that covers some generalities which re-establishes a focus on Tribes' connections with the lands and waters throughout the state
3. It may be necessary to establish rules stating whether and how state agencies are able to transfer land to Tribes.
 - a) A Tribal State Lands Committee could work to determine which parcels are most culturally significant for Tribes, and develop a plan as to what the procedures would be for working with state agencies regarding the return of such parcels.

B. AB 379

1. Passing a state bill that modifies AB 379 and other bills to include inclusive language so that there is no question as to whether Tribes are named parties to which lands may be rematriated.

C. 30x30

1. There must be Tribal representation in government bodies so that Tribal knowledge may be passed between sovereign Tribal nations and state entities. Plans to encourage such engagement should be created in collaboration with Tribes and allies and could include incentives such as government loan programs, tax breaks for land returns, county support for the creation of nature based and Tribally owned businesses and planners, standards for county plan updates, third-party purchasers, and other strategies.
2. Adequate staffing, ideally with a focus on California Tribal representation, must be provided to the Tribal Affairs Office so that each Tribe - federally and non-federally recognized - may be consulted and collaborated with throughout the 30x30 process.

3. In particular, hiring and assigning an individual for Tribes to work with on land return applications and processes, and that would generally act as the lead liaison between the state and Tribes, is essential and overdue.
4. Developing a state and agency-wide policy regarding Tribal consultation founded on principles found in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is a necessary next step, specifically, Article 15 Section 2.
5. Tribal Conservation program with a clear process for Tribal engagement with making recommendations to the state as to which parcels or waters are priorities to Tribes
6. Must be adequate funding identified for Tribes to cover the cost of the land return process.

D. Federal Regulations and Policies

1. Federal agencies should develop a process for disposal of excess land that gives the Tribes the first right of refusal. This process, and the creation of the list should include Tribal consultation and areas of cultural significance should be identified.
2. Federal land management agencies should publish a regular registry of excess lands and identify and notify tribes and tribal groups that may be an appropriate entity to return those lands to.

E. Policy Action Discussion

These recommendations are not meant to be comprehensive nor all inclusive. Recommendations for changes in state and federal policy and law to achieve the goal of returning land to Tribes should be developed by the Tribes themselves. In general, non-tribal governments can play two roles in achieving tribal LandBack goals. First, the government can provide assistance to Tribes in the form of grants and technical assistance to enhance the capacity of the Tribes to conduct due diligence and negotiations, and to consummate transactions to recover lands previously owned. California and the Federal Government have already begun that process. Second, governments can develop policies and procedures for returning lands and waters to which they now hold title back to Tribes that previously occupied and depended on them. The magnitude of this second role is perhaps more difficult than the capacity-building role. Both roles, however, are critical in assisting Tribes in meeting their LandBack goals and objectives.

Discussions with Tribes about policy and legislative changes could be informed by a number of considerations. Policy articulations about the goal of returning land to Tribes tend to be highly abstract. To the best of our knowledge, there is no inventory of California or federal lands that might be suitable for return to Tribes. There may not be a “one size fits all” approach to developing new policies, so policy statements should take unique circumstances into account.

Perhaps the most intractable policy problem is how to implement policy pronouncements issued at the highest levels of government at the agency or tribal level. For example, the Department of the Interior has about 77,000 employees, all of whom have specific responsibilities in their area of authority and expertise. How can a federal department of that size be motivated to implement a single statement in a secretarial order (No. 3403) that it is federal policy to “restore Tribal homelands to Tribal ownership and to promote Tribal stewardship and Tribal self-government.”? What does that statement mean at the level of a regional office of the Bureau of Land Management? At the United States Forest Service, which has at least seven headquarters offices with some responsibility for land management? At the National Park Service, which manages more than 400 national parks? Do these agencies and employees even have the training and knowledge that is needed to enact LandBack and co-management goals?

Changes in State or Federal laws to implement LandBack policies likewise should be generated by the Tribes themselves. The threshold question is whether changes in the applicable legal code are necessary to achieve tribal LandBack goals. Another way to ask the question is whether a particular state agency has the unassailable legal authority to transfer lands to a Tribe on satisfactory terms and conditions. If that authority is lacking or is questionable, perhaps legislation should be considered to confirm the agency’s authority. This issue could arise, for example, with regard to the authority of the California Department of Fish and Wildlife to enter into agreements with Tribes that authorize take of wildlife or marine species outside reservation boundaries on terms and conditions that do not precisely track state-law requirements.

Changes in the law can sometimes be useful in streamlining administrative procedures that may enable Tribes to more easily achieve their LandBack goals. For example, the federal government has extensive and cumbersome regulations governing exchanges or sales of federal lands, which apply to Indian Tribes. These regulations were not designed with Indian Tribes and their sovereign governments in mind. The Bureau of Indian Affairs has a set of regulations devoted exclusively to transfers of land from Tribes to the United States to hold in trust for them. Regulations specifically addressing the return of land to Indian Tribes could incorporate policies on so-called surplus lands and related issues. New regulations could also incorporate a policy that Tribes be given a right of first refusal to acquire certain federal or state lands when specific conditions are met, however, these conditions should not include waiving sovereignty.

Current day regulations are in need of updating to keep up with modern society’s recognition of the original inhabitants of these lands. In California, there have been efforts to acknowledge the historical harms to Tribes but now there must be action taken to rectify these harms and create a more equitable opportunities landownership for Tribes that faced genocide and still suffer generational trauma. There are many questions that need to be answered when it comes to enacting this change but it is essential that the state and federal government interact and collaborate with Tribes to best protect their interests when developing plans to return their lands. Tribes have the best understanding of how to manage the land and resources that they have taken care of since time immemorial and they need to be given the opportunity to use that knowledge and pass it on to future generations.

7. List of Materials and Resources around LandBack

This is a starting list of resources. We are hoping to add to this list through the [feedback form](#).

1. Governor Newsom Proposes \$100 Million to Support Tribal-Led Initiatives that Advance Shared Climate and Conservation Goals
<https://www.californianature.ca.gov/pages/30x30>
2. [Legal Tools for Land Return \(SELC\)](#)
3. [Berkey Williams Embargoed Legal Research Paper](#)
4. [Ridges to Riffles Policy Recs to State](#)
5. <https://www.gov.ca.gov/wp-content/uploads/2019/06/6.18.19-Executive-Order.pdf>
6. <https://www.cpuc.ca.gov/about-cpuc/divisions/office-of-the-tribal-advisor/tribal-land-transfer-policy>
7. <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/news-and-outreach/documents/bco/resolution-e-5076.pdf>
8. https://social.desa.un.org/sites/default/files/migrated/19/2018/11/UNDRIP_E_web.pdf
9. <https://openstates.org/ca/bills/20212022/AB379/>
10. <https://www.ca.gov/archive/gov39/2011/09/19/news17223/index.html>

8. Appendix

Author Bios:

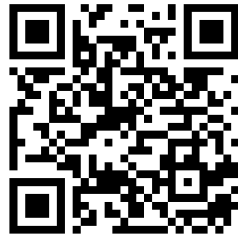
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Carrie Tully is of mixed European and Ashkenazi heritage, and a settler in California. Until recently, she was the Organizational Development Director for Save California Salmon, and is currently the Director of Dishgamu Humboldt Community Land Trust. She has a Master of Arts in Social Sciences in Environment & Community from Cal Poly Humboldt. Carrie is a co-founder and steering committee member of the Rou Dalagurr Food Sovereignty Lab & Traditional Ecological Knowledges Institute. She works toward community healing by building relationships with people and the more-than-human world. This is what drove her to work on her master's thesis, "Working towards land return in Goukdi'n: a history of genocide and a future of healing." Carrie hopes to continue working towards the return of ancestral lands to Tribes across the state of California by building coalitions, and engaging in policy reform.

Karley Maree Rojas is a Cuban Taíno-descendent queer maorocoti person. Karley is the staff Research Associate for the NAS Rou Dalagurr Food Sovereignty Lab & Traditional Ecological Knowledges Institute. Karley is an Indigenous-facing ethnobotanist and multimedia artist. They hold a B.S. in Botany from Cal Poly Humboldt with a minor in Studio Art; they is also an alumnus of the University of Chicago. Their research and work focuses on the restitution of disseminated ethnobotanical knowledges to their Indigenous communities of origin, supporting and engaging in the resurgence of Indigenous science and knowledges, Indigenous agroecology and landscape remediation, and community-based research paradigms at the intersection of Indigenous and Western sciences.

Peer-Review Process (Report):

A California #LandBack Special Report is presented here in **DRAFT** form. We seek to gain diverse community feedback regarding the contents of this report, and consider this an integral component of the peer review process. Give your feedback through our [open form](https://forms.gle/PNGR6DafvnT3wMEW7): <https://forms.gle/PNGR6DafvnT3wMEW7>



The deadline for comments is **April 10th, 2023**. We will subsequently modify the draft based on community feedback, and submit the draft for an open peer review from selected expert peer reviewers. The paper will be formatted and released in its final draft form on **May 1, 2023**.

Download a (draft) copy of the report at: <https://www.californiasalmon.org/landback>

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