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NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memo

MEETING DATE: December 15, 2020

TO: Board of Supervisors

FROM: **Heidi Hall, District I Supervisor and Susan K. Hoek, District IV**

SUBJECT: Resolution recognizing Nevada City Rancheria Nisenan Tribe's historical cultural, and continued significance in Nevada County and California, and supporting the restoration of Federal recognition of the Nevada City Rancheria Nisenan Tribe

RECOMMENDATION: Adopt the attached Resolution.

FUNDING: N/A

BACKGROUND: In late 2018, the County of Nevada Board of Supervisors received requests from the community to adopt a resolution outlining formal support for the restoration of federal recognition to the Nevada City Rancheria Nisenan Tribe (herein referred to as the Nisenan). In 2019, County Staff met with representatives of the Nisenan Tribe, including Tribal Representative Shelly Covert, to discuss the request and applicable steps moving forward. It was determined and agreed at that time, that the Nisenan Tribe would work with the Nevada County Historical Society to bring forward and adopt a Resolution of Support for the restoration of Federal recognition of the Nisenan Tribe, before any County action should occur.

The history pertaining to the Nisenan's Federal recognition and its termination is complicated and includes unratified treaties, presidential action, congressional legislation, judicial judgments, and complicated and time-consuming administrative processes. A synopsis of the history is provided in an Issue Brief prepared by the County Executive Office and Board of Supervisors' Office included as a supporting document, amongst others. In summary, the Nisenan were Federally recognized with an established 75 plus acre rancheria until its termination per the implementation of the 1958 California Rancheria Termination Act. Federal recognition means an entity that the Secretary of Interior acknowledges as an Indian tribe and with which the United States maintains a government-to-government relationship that resides outside the County's jurisdictional authority, unless per agreement. On September 1964, the rancheria was sold at auction with the proceeds being distributed to Peter and Margaret Johnson who were the only Native Americans living on the Rancheria at the time who had agreed to the Bureau of Indian Affairs (BIA) termination and distribution plan. Since 1979, the Nisenan have sought judicial relief to restore its Federal recognition, as many other previously terminated Rancheria Tribes have done, but have been unable due to clerical errors, administrative hurdles, and legal limitations. The Issue Brief outlines that congressional action is the most likely course of action for the restoration of the Nisenan's Federal recognition but does not preclude administrative or judicial processes.

Subsequently, on May 8, 2019, the Nevada County Historical Society adopted Resolution 2020-01 acknowledging the Nevada City Rancheria Nisenan Tribe as the oldest Nevada County residents and citizens and supporting the restoration of the Tribe’s Federal recognition and all rights that come with it, including its inherent rights to self-govern. On September 23, 2020 the Nevada City City Council adopted Resolution 2020-72 pledging support to the Nisenan Tribal Community of the Nevada City Rancheria to preserve and protect their native culture and supporting the restoration of Federal recognition. Moreover, Nisenan Tribal Representative Shelly Covert provided over 888 letters of support urging the Nevada County Board of Supervisors to support the restoration of Federal recognition for the Nisenan Tribe, which is tabulated per supervisorial district below.

Letters of Support via Supervisorial District

D1	D2	D3	D4	D5	Unidentified	Total
315	113	148	229	26	57	888

As such, staff has worked closely to review all of the facts that pertain to the request to support the restoration of the Nevada City Rancheria Nisenan Tribe and have worked directly with Tribal Representative Shelly Covert to ensure the attached Resolution is factual, accurate and complete.

Therefore, we request the Board of Supervisors adopt the attached Resolution recognizing Nevada City Rancheria Nisenan Tribe’s historical cultural, and continued significance in Nevada County and California, and support the restoration of Federal recognition of the Nevada City Rancheria Nisenan Tribe. Moreover, we invited Nisenan Tribal Representative Shelly Covert to provide comments to the Board and answer any questions.

Respectfully submitted,

Heidi Hall
Board of Supervisor, District I

Susan K. Hoek
Board of Supervisor, District IV