

This document contains all of Goal 1 text and recommendations, which has been updated since the August Task Force meeting based on Task Force discussions and some interagency review.

1. Tribal Stewardship and Land Return

California Tribal Nations have specific histories and relationships to the State of California, resulting in a unique set of challenges and opportunities for advancing agricultural land equity. To address this, Goal 1 focuses on the specific needs of California Tribal Nations; however, the other goals are also relevant for Tribal Nations, who should be explicitly included in any action to advance fair access for priority producers and land stewards.

Throughout this report, the term California Tribal Nations is used to reference both federally recognized and non-federally recognized California Native American Tribes. This term was selected to denote the inherent sovereignty of Native communities and their relations of care since time immemorial with the land that is now called California. There are important legal distinctions between federally recognized and non-federally recognized Tribal Nations that impact barriers to land access and strategies to overcome them. These differences are noted where relevant.

The State of California was founded on the violent forced removal, coercion, intimidation, and genocide of Indigenous Peoples from the lands and watersheds favored by newly arrived settlers. The forced removal of Indigenous Peoples directly resulted in attempted erasure of traditional languages and traditional knowledge systems from the Pacific West Coast. Erasure of Indigenous Peoples in California was meant to make way for the agriculture industry and newly formed towns, as well as manipulative engineering of watersheds throughout California directly affecting cultural heritage and sacred sites and, to this day, Tribal Nations continue to be excluded from the state's coast and waterways. Governor Newsom's apology, issued in 2019 (Executive Order N-15-19), recognizes that the State of California "sanctioned over a century of depredations and prejudicial policies against California Native Americans." This order, along with institutional commitments like the Truth and Healing Council, are the early steps of a much longer process to address historical injustices that persist today.

Today, many Tribal Nations have limited or no access to the vast majority of their ancestral lands, which limits or removes access to essential ecosystems and

cultural and spiritual practices. Beneficial stewardship does not start nor stop with land but all which encompasses entire landscapes. Tribal Nations recognize land as inseparable from the interconnectivity of all other natural elements, including water, air, and fire. With spiritual reverence and symbiotic stewardship advancements through Traditional Ecological Knowledges, Indigenous Peoples have sustained diverse flourishing watersheds, rivers, coasts, and marine habitats since time immemorial. While the recommendations of this Task Force focus on land, water is no less critical to meeting the goals expressed here. This lack of access to ancestral lands and waterways has been compounded by the laws and policies that have excluded and prohibited Traditional Ecological Knowledge and stewardship from California's landscape. The outcome has been detrimental to cultural, societal, and ecological health and has drastically limited the way Tribal communities are accustomed to living in relation with the land, water, air, and life in all forms. These relationships of care are the foundation for many First Foods, fibers, and medicines, from acorns and elderberries to sedge basket material, that play a critical role in California's ecosystem.

This loss of Tribal Nations' control and access to ancestral lands is the result of a long history of colonization in California that began under Spanish colonization and the Mission system. During the secularization of Missions in the Mexican period, Tribes were not granted fee title to lands and were only granted use rights.¹ As a result, California Native Americans generally did not have land titles to claim during the transition from Mexican to American rule. Further, in the early American period, the United States did not include tribes in land claims adjudicated under the 1851 Land Claims Commission Act.² In 1851 and 1852, eighteen treaties were negotiated to reserve approximately 8.5 million acres of land for approximately 120 villages, bands, and tribes across the state, but the treaties were not ratified by Congress, and the fact hidden from tribes and the public.³ During this same period, the state of California also sponsored militia campaigns against tribes, legalized indentured

¹ Donald J. Shanahan, Jr. 1975. Compensation for the Loss of Aboriginal Lands of California Indians. *Southern California Quarterly* 57(3), 298. <https://www.jstor.org/stable/41170608>

² Ibid, 302-303.

³ Ibid, 303-305, 315. Robert F. Heizer. 1972. The Eighteen Unratified Treaties of 1851-1852 Between the California Indians and the United States Government. <https://nahc.ca.gov/webmaster/atlas/treaties/transcript.pdf>

servitude of tribal members, and limited Native American legal rights, all of which made it nearly impossible for Native Americans to hold title to land.⁴

In 1853, Congress established reservations in far northern California and central California, often forcibly relocating tribal members to newly established reservations, and leaving other Tribal Nations not recognized.⁵ Many Native Americans who did not relocate to the distant reservations were left landless or were considered squatters on their ancestral lands.⁶ Further, because of land loss and new water diversions, Native Americans were no longer able to gather traditional foods or plant subsistence crops if they refused to relocate to new reservations.⁷ While reservations were created for Tribes in inland southern California, specifically on small parcels that were less attractive to Anglo settlers,⁸ reservations were not established along the southern and central California coast because of the high value of coastal lands. This led to those tribes being landless without federal recognition and without access to the most productive lands.⁹

After the passage of the Dawes Act in 1887, some California reservations were divided into allotments for private ownership by Tribal individuals and families, which resulted in significant land loss.¹⁰ Other Native Americans applied for and received public domain allotments as individuals or families (rather than as a Tribe), but the vast majority of those allotments transferred out of Tribal hands, decreasing from 2,552 allotments comprising 336,409 acres in 1960 to an estimated 400 public domain allotments totaling 16,000 acres today.¹¹

⁴ Kimberly Johnston-Dodds. 2002. "Early California Laws and Policies Related to California Indians." https://www.csus.edu/college/education/engagement/_internal/_documents/indian_early_california_laws_and_policies_related_to_california_indians.pdf.

⁵ Benjamin Madley. 2016. Understanding Genocide in California under United States Rule, 1846-1873.

⁶ Vanessa Ann Gunther. 2006. *Ambiguous Justice: Native Americans and the Law in Southern California, 1848-1890*. East Lansing: Michigan State University Press., 38, 52.

⁷ Gunther, 93-95.

⁸ Gunther, 38.

⁹ Valerie Sherer Mathes and Phil Brigandi's *Reservations, Removal and Reform: The Mission Indian Agents of Southern California*. Gunther, 44.

¹⁰ Imre Sutton's "Private Property in Land Among Reservation Indians in Southern California" and Lynn Huntsinger and Lucy Diekmann's "The Virtual Reservation: Land Distribution, Natural Resource Access, and Equity on the Yurok Forest."

¹¹ Gary Nakamura and Richard R. Harris. "Natural Resource Inventories of Public Domain Trust Allotments in California." <https://pdallotments.sf.ucdavis.edu/public-domain-allotments>

In 1905, the unratified treaties became public, and the ensuing public outcry led to the establishment of rancherias for the “landless Indians of California.”¹² Rancherias, which are a type of reservation unique to California, were only established in some counties in the central and northern part of the state.¹³ In the 1950s, the Rancheria Acts abolished trust status of 46 rancherias, resulting in the division or sale of rancheria land. Since termination, judicial decisions and settlements have restored 27 rancherias and others have been restored through acts of Congress, while many rancherias remain federally non-recognized.¹⁴ In addition to land loss that severely limited access and control over ancestral lands, state and federal governments discouraged or banned traditional forms of land stewardship while settlers reshaped the California landscape. Landscape-scale changes like the introduction of Mediterranean grasses and livestock degraded habitat and decreased the availability of native foods.¹⁵ Assimilationist policies, which included the establishment of Indian boarding schools and bans on traditional and religious practices, also discouraged or banned the use of traditional foods and agricultural practices.¹⁶ Finally, federal fire suppression policy dramatically reduced the use of low-intensity fire on federal forest lands in the Sierra Nevada, which had been used to support the growth of traditional plants.¹⁷

Today, there are 109 federally recognized and more than 60 non-federally recognized Tribal Nations in California. Federally recognized Tribal Nations currently hold 635,739 acres in trust lands, approximately 0.6% of the state.¹⁸ An additional

¹² Larisa K. Miller’s “[Counting Context: C.E. Kelsey’s 1906 Census of Nonreservation Indians in Northern California](#)” and “[The ACCIP Termination Report: The Continuing Destructive Effects of the Termination Policy on California Indians](#)”

¹³ Larisa K. Miller’s “[Counting Context: C.E. Kelsey’s 1906 Census of Nonreservation Indians in Northern California](#)” and “[The ACCIP Termination Report: The Continuing Destructive Effects of the Termination Policy on California Indians](#)”

¹⁴ Kathleen Whiteley’s “[The Indians of California versus The United States of America: California Dreaming in the Land of Lost Treaties, 1900-1975](#),” Heather Ponchetti Daly’s “[Fractured Relations at Home: The 1953 Termination Act’s Effects on Tribal Relationship throughout Southern California Indian Country](#),”

¹⁵ Sowerwine et al 2019. Preston. W. 1997. Serpent in the Garden: Environmental Change in Colonial California. *California History* 76 (2/3): 268-277.

¹⁶ Sowerwine, J., Mucioki, M. Sarna-Wojcicki, D., Hillman, L. 2019. Reframing food security by and for Native American Communities: A Case Study among Tribes in the Klamath River Basin of Oregon and California. 11: 569-607.

¹⁷ Taylor, A.H., Trouet, V., Skinner, C.N., Stephens, S. 2016. Socioecological transitions trigger fire regime shifts and modulate fire-climate interactions in the Sierra Nevada, USA, 1600-2015 CE. *PNAS* 113 (48), 13684-13689.

¹⁸ Plachta, Ari. 2022. Gavin Newsom said he would give land back to Native Americans in California. Has he? www.sacbee.com/news/politics-government/article264454331.html#storylink=cpy . Trust lands are lands

approximately 12,635 total acres of land have been returned to Native American Tribes and tribal organizations in California between 1995–2022.¹⁹ In 2024, the California Natural Resources Agency’s (CNRA) Tribal Nature Based Solutions Program awarded grants to 33 Tribal Nations to support the return of an additional 38,950 acres of land.²⁰ In 2024 and 2025, approximately 47,000 acres were returned to the Yurok Tribe and 2800 acres to the Shasta Indian Nation.²¹ Tribes also own additional acreage across the state in fee lands. While this work is a valuable step in the right direction, this does not fully address historical land loss and the harm colonization continues to reap on Tribal communities.

Persistent barriers to land ownership and access that arose from intentional exclusion and land theft require a cohesive response from the State. The recommendations that follow are intended to complement CNRA’s Tribal Stewardship Strategy and the Truth and Healing Council’s Report and further the commitments in Governor Newsom’s Statement of Administration Policy on Native American Ancestral Lands.²²

1.1 Return publicly held lands to Tribal Nations without restrictions and encumbrances

- a) Transfer ancestral lands to Tribal Nations free from restrictions and encumbrances.
- b) Establish and fund a Tribal Lands Return Commission comprised of regionally diverse delegates of federally recognized and non-federally recognized California Tribal Nations.
 - i) The Commission will oversee the development and implementation of a new state program designed to purchase and return ancestral lands.

held “in trust” for tribes by the federal government and therefore are federal lands that are not subject to state law or taxes. In contrast, fee simple lands are alienable lands that can be freely sold or encumbered without federal approval. Fee lands can become trust lands through the fee-to-trust process. Bureau of Indian Affairs, Department of the Interior. <https://www.bia.gov/bia/ots/fee-to-trust> .

¹⁹ <https://www.sacbee.com/news/politics-government/article264454331.html>

²⁰ <https://resources.ca.gov/Tribal-Nature-Based-Solutions-Program>

²¹ KTVU. Largest land back deal in California history: 47,000 acres returned to Yurok Tribe. <https://www.ktvu.com/news/largest-land-back-deal-california-history-47000-acres-returned-yurok-tribe> . Debra Utacia Krol. 2024. Shasta tribe will reclaim land long buried by a reservoir on the Klamath River. <https://www.usatoday.com/story/news/nation/2024/06/22/california-returns-land-shasta-tribe-klamath-river/74169647007/>

²² Office of the Governor. 2020. Statement of Administration Policy, Native American Ancestral Lands. <https://www.gov.ca.gov/wp-content/uploads/2020/09/9.25.20-Native-Ancestral-Lands-Policy.pdf> and California Natural Resources Agency. 2025. Tribal Stewardship Policy and Toolkit (Draft). <https://resources.ca.gov/Initiatives/Tribalaffairs/TribalStewardshipPolicy> .

- ii) The Commission will advise and oversee the creation of a statewide goal for acres of land returned to California Tribal Nations.
 - iii) In collaboration with local and state agencies, the Commission will identify surplus land and establish pathways for land return.
- c) Reduce burdens on Tribal Nations seeking to restore access to their ancestral lands.
 - i) Identify and update current policies and regulations that prohibit direct land transfer, require the creation of a non-profit, or incur burdensome fees or requirements.
 - ii) If collaboration with a third party is required, prioritize partnerships with Tribal-led and Tribal-serving organizations.
- d) Implement a right of first refusal process across all state agencies that provides Tribal Nations the access and opportunity to accept publicly held ancestral lands at zero or minimal cost when agencies sell or get rid of land.
- e) Coordinate with federal agencies to support the return of federally owned lands to Tribal Nations.
- f) Update the California Surplus Land Act to:
 - i) Add Tribal uses to the existing list of approved “exempt surplus land” types for local agencies as outlined in the Surplus Land Act Guidelines.
 - ii) Ensure Tribal Nations are included in the government-to-government land transfer exemption as it relates to Government code section 54221 (f)(1)(D). When a local government transfers land to a Tribal Nation on the Native American Heritage Commission (NAHC) list by establishing a co-management agreement and/or Land Back agreement, this transfer should be exempt from the Surplus Land Act.

1.2 Facilitate the return of privately held land to California Tribal Nations

- a) Increase funding to existing programs that support traditional ecological knowledge, ancestral land return, acquisition, and co-management projects, such as the California Natural Resources Agency’s Tribal Nature Based Solutions program. [Success Story of fee-to-trust conversion](#)
- b) Incentivize land trusts and private individuals to transfer land to Tribal Nations. See recommendations on land trusts and tax incentives in Goal 2 for specific pathways to achieve this objective.
- c) Offer or fund specialized and unique real estate agent services to reduce the burden and up-front costs of private land return for Tribal Nations.
- d) Provide financial and technical assistance and legal aid to federally recognized Tribal Nations working to convert fee land to trust land. Exempt Tribal Nations from property taxes in the interim.

- e) To assist with expediency and reduce costs associated with private land return, require a public entity to serve as a temporary intermediary to purchase and hold land until it can be returned to Tribal Nations in accordance with specific processes and timelines.
- f) Resolve access challenges that resulted from the allotment of Tribal lands by providing funding for the following:
 - i) Developing access roads and rights of way to landlocked parcels, and
 - ii) Resolving fractionated ownership on lands owned by Tribal Nations.

1.3 Enable and promote the implementation of Traditional Ecological Knowledge and cultural practices

- a) Encourage and remove barriers to Tribal Nations' use of Traditional Ecological Knowledge, including cultural fire, which has been prohibited through state policy for centuries.
 - i) Through funding and policy mechanisms, support place-based Tribal stewardship practices that cultivate a wide variety of First Foods, fibers, medicines, and cultural resources.
 - ii) Fund efforts to share and advance Traditional Ecological Knowledge in culturally meaningful ways including the intergenerational transfer of land-based knowledge.
 - iii) Consult California Tribal Nations and empower Tribal stewardship when developing conservation policies and programs.
- b) In State programs and policies, define agriculture in a way that is inclusive of Traditional Ecological Knowledge and allow flexibility for diverse Tribal stewardship practices.
 - i) Revise existing guidelines that are misaligned with Tribal stewardship, such as the requirement that buffalo be kept in an enclosure.
- c) Guide and incentivize local governments to implement zoning ordinances that enable Tribal stewardship
 - i) Direct the Governor's Office of Land Use and Climate Innovation to work with Tribal Nations to develop model zoning ordinances that address the specific needs of non-federally recognized and federally recognized Tribal Nations. Include mechanisms to support stewardship on Tribal land, including traditional Tribal housing.
 - ii) Provide guidance on establishing Cultural Conservation Zoning Overlays, like Cultural Conservation Easements, to give non-federally recognized Tribal Nations land use authority over returned lands (see Appendix XX for model language).
 - iii) Incentivize local governments to adopt these ordinances and modify their zoning codes to allow for traditional Tribal uses and cultural land management.

- d) Protect California Tribal practices and cultural landscapes, like traditional food groves, watersheds, and ceremonial sites by enforcing existing laws such as the California Native American Graves Protection and Repatriation Act (CalNAGPRA).