To: Board of Directors  
Open Space Authority

From: Andrea Mackenzie  
General Manager

SUBJECT
Authorize Letter of Support for Federal Recognition of the Muwekma Ohlone Tribe

REVENUE/COST
There is no cost associated with this issue.

BACKGROUND
The Santa Clara Valley Open Space Authority’s (Authority) jurisdiction encompasses lands that are recognized as the territories of two prominent Native American Tribes, the Amah Mutsun Tribal Band and the Muwekma Ohlone Tribe of the San Francisco Bay Area. The Amah Mutsun trace their ancestors to the Mutsun-speaking peoples who were taken to the Missions Santa Cruz and San Juan Bautista. Amah Mutsun territory includes portions of San Benito, Santa Cruz, Monterey, San Mateo, and Santa Clara Counties.

The Muwekma Ohlone trace their ancestors to the Chochenyo, Tamyen, and Ramaytush dialect-speaking peoples who were taken to the Missions Dolores, Santa Clara, and San Jose. The Muwekma Ohlone’s territory includes portions of San Francisco, San Mateo, Santa Cruz, Alameda, Contra Costa, Napa, Solano, San Joaquin, and Santa Clara Counties. The ancestors of these Tribes thrived in villages located throughout the Authority’s jurisdiction. Ethnographic records suggest that the Muwekma’s ancestors lived in the village of Matalan, located in present-day Coyote Valley near Laguna Seca. Today, each Tribe represents approximately 600 individuals, and both are actively petitioning the U.S. Government for re-affirmation of federal recognition.

DISCUSSION
The Muwekma are direct descendants of the Verona Band, a Tribe that was federally recognized as late as 1927. Due to the negligence on the part of federal officials at that time, the Tribe was generally ignored even though some services were still offered to the Tribe’s members as late as 1947. Tribal officials have been working with partners and elected officials since the early 1980s to petition the U.S. Bureau of Indian Affairs (BIA) to clarify the tribe’s status and restore federal recognition. In a 2002 letter to the House of Representatives, Congresswoman Zoe Lofgren (representing California’s 19th District) stated, “... as a result of inconsistent federal policies of neglect toward the California Indians, the government breached the trust responsibility with the Muwekma and left the Tribe landless and without either services or benefits. As a result, the Tribe has suffered losses and displacement. Despite these hardships the Tribe has never relinquished their Indian Tribal status and their status was never
terminated... I hope the Bureau of Indian Affairs and the Department of Interior will do the right thing and act positively to grant the Muwekma Ohlone Tribe their rights as a Federally Recognized Indian Tribe.” Despite an extensive body of evidence and political support, the BIA and Department of Interior denied the petition and required that the Tribe provide additional documentation about their lineage. The Muwekma are currently requesting the Federal government reconsider the negative determination for recognition based on new information from archaeological, historical, and ethnographic records and are asking for letters of support from partner organizations, including the Open Space Authority.

Federal recognition means that the United States government recognizes the right of a Tribe to exist as a sovereign entity. This includes rights for Tribal self-government regarding internal affairs and the ability for Tribes to directly enter into agreements with the federal government. Federally recognized Tribes may also be eligible to establish a “trust relationship” with the U.S. government by which federal authorities can help protect a Tribe’s sovereign status as well as their lands and Tribal property. Increased access to health care, housing, and education are other potential benefits of federal recognition.

In seeking the Open Space Authority’s support for the BIA to restore federal recognition of the Muwekma Ohlone, Tribal Chairwoman Charlene Nijmeh shared that their goals include simply establishing the respect and acknowledgment of the Tribe’s lasting connection to the land that was denied by the government: “The direct ancestors of the present-day Muwekma Tribe became Federally Acknowledged by the U.S. Government through the Appropriation Acts of Congress of 1906 and later years. Today, 100% of Muwekma Tribal members are descended directly from that previously recognized Tribe. The Muwekma Ohlone Indian Tribe was never terminated, and their members still live in their aboriginal homeland today working within their own communities to strengthen ties to local universities, local government, and community groups.”

Reaffirmation of the Muwekma’s status is supported by many conservation organizations and universities including Midpeninsula Regional Open Space District, Green Foothills, Stanford University, Santa Clara University, the University of California at Berkeley, California State University East Bay, and San José State University, among others. In joining these organizations to express support for reaffirmation of Federal recognition, the Authority can help right an injustice and show respect for the Muwekma’s deep ties to the landscape both as the original stewards of the land and for their ongoing work to rediscover and share traditional ecological knowledge. The Authority’s support for the Muwekma—and close engagement with them and other Indigenous communities in our conservation work—will build on the traditional ecological knowledge that shaped the landscape before the arrival of Europeans to North America and enhance our collective land stewardship capacity.

Should the Board express its support for the BIA to restore Federal recognition to the Muwekma Ohlone, staff will submit a letter urging the BIA and Secretary of the Interior, Deb Haaland, to reconsider the Tribe’s status based on the new report the Tribe has submitted. To inform our management of natural and cultural resources, provide educational resources to the public, and raise awareness about the past and future of Indigenous Peoples in the region, Authority staff will continue working with the Muwekma on several on-going projects including the Coyote Valley Conservation Areas Master Plan, and in public access planning at Coyote Valley and Coyote Ridge Open Space Preserves.
RECOMMENDATION
Staff recommends that the Board authorize the General Manager to prepare a letter of support for the restoration of the Muwekma Ohlone’s status as a Federally recognized Tribe.

Prepared by:
Matt Freeman, Assistant General Manager
March 16, 2022

The Honorable Senator Dave Cortese
1021 O Street, Suite 6640
Sacramento, CA 95814

Re: SJR-13 Muwekma Ohlone Tribe: Federal Recognition – SUPPORT

Dear Senator Cortese,

On behalf of the Santa Clara Valley Open Space Authority (Authority), I am writing to express our gratitude for your sponsorship of the Joint Resolution that urges Congress and the Department of the Interior and its Bureau of Indian Affairs to reaffirm and restore the Muwekma Ohlone Tribe as a federally recognized Indian tribe and include the Muwekma Ohlone Tribe in the Federal Register as a recognized tribe. The Open Space Authority strongly supports the efforts of the Muwekma Ohlone Tribe of the San Francisco Bay Area and has also previously expressed this support in a letter to Deputy Secretary of the Interior Deb Haaland last year.

The Open Space Authority is a public, independent special district created by the California State Legislature in 1993 to conserve the natural environment, support agriculture, and connect people to nature by protecting open spaces, natural areas, and working farms and ranches for future generations. To implement its mission, the Authority works very closely with federal, state, and local partners including the Tribes who served as the original stewards of the Santa Clara Valley. On October 14, 2021, the Directors of the Santa Clara Valley Open Space Authority voted unanimously to support reaffirmation of the Muwekma Ohlone Tribe of the San Francisco Bay Area as a federally recognized Tribe.

The direct ancestors of the present-day Muwekma Ohlone Tribe were federally recognized by the U.S. government and, today, their members are directly descended from that recognized Tribe. The Authority recognizes that the Muwekma Ohlone Tribe’s status was never officially terminated, and their members still live within their homeland working within their communities to reestablish connections to the land and to build and strengthen ties with institutions like the Open Space Authority. In joining the many other public agencies, educational institutions, and non-profit organizations that have expressed support for reaffirmation of Federal recognition, the Authority urges the U.S. government to right an injustice and show respect for the Tribe’s deep ties to the landscape both as the original stewards of the land and for their ongoing work to rediscover and share traditional ecological knowledge.

After decades of struggling to clarify their status as a federally recognized Tribe, it is time to give the Muwekma Ohlone people the justice they deserve by restoring their sovereignty and government-to-government status. Thank you for urging the United States Congress, the Department of the Interior, and Bureau of Indian Affairs to reaffirm and restore the Muwekma Ohlone Tribe’s federally recognized status.

Sincerely,

Andrea Mackenzie
General Manager

CC: Santa Clara Valley Open Space Authority Board of Directors
The Honorable Senator Dave Cortese - hla.elkhatib@sen.ca.gov
Charlene Nijmeh, Chairwoman, Muwekma Ohlone Tribe of the San Francisco Bay Area - cnijmeh@muwekma.org