

107TH CONGRESS
1ST SESSION

H. R. 2495

To provide for and approve the settlement of certain land claims of the Bay Mills Indian Community and the Sault Ste. Marie Tribe of Chippewa Indians.

IN THE HOUSE OF REPRESENTATIVES

JULY 12, 2001

Mr. STUPAK introduced the following bill; which was referred to the Committee on Resources

A BILL

To provide for and approve the settlement of certain land claims of the Bay Mills Indian Community and the Sault Ste. Marie Tribe of Chippewa Indians.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS AND PURPOSES.**

4 (a) FINDINGS.—Congress finds that—

5 (1) the Bay Mills Indian Community has a
6 valid interest in certain lands in the Charlotte Beach
7 area of Chippewa County, Michigan, that are located
8 within the Community's traditional homelands;

1 (2) the Sault Ste. Marie Tribe may have a valid
2 interest in certain lands in the Charlotte Beach area
3 of Chippewa County, Michigan, that are located
4 within the Tribe's traditional homelands;

5 (3) the Community filed a lawsuit against cer-
6 tain landowners to ascertain ownership of lands that
7 were once owned and held in trust by the State of
8 Michigan for the Community but which were sold by
9 the State without the consent of the Tribes or the
10 United States;

11 (4) the landowners now hold clouded title to
12 such lands and want to clear their title to the lands;

13 (5) the Community has agreed to relinquish its
14 interests in the Charlotte Beach Lands in return for
15 its selection of Alternative Lands that will be taken
16 into trust by the Secretary;

17 (6) the Sault Ste. Marie Tribe has agreed not
18 to assert its potential claim of interest in the Char-
19 lotte Beach Lands in return for its selection of Al-
20 ternative Lands that will be taken into trust by the
21 Secretary;

22 (7) it is in the best interests of the Tribes and
23 legally necessary for the landowners that the Con-
24 gress provide for a land settlement agreement by
25 passage of this Act; and

1 (8) it is in the best interests of the Tribes that
2 the described Alternative Lands be taken into trust
3 as part of the settlement of the land claim.

4 (b) PURPOSES.—The purposes of this Act are—

5 (1) to settle the land claims of the Tribes
6 against the landowners; and

7 (2) to direct the Secretary to take into trust for
8 the benefit of the Tribes the Alternative Lands in
9 settlement of the Tribes' land claims.

10 **SEC. 2. DEFINITIONS.**

11 For purposes of this Act, the following definitions
12 apply:

13 (1) ALTERNATIVE LANDS.—The term “Alter-
14 native Lands” means the following:

15 (A) The lands chosen and acquired by the
16 Community for transfer to the United States to
17 be held in trust for the Community as part of
18 the settlement of the claims of the Community
19 to the Charlotte Beach Lands. These Alter-
20 native Lands, comprising 21.55 acres, more or
21 less, are located in Vanderbilt, Michigan, and
22 are more particularly described as a parcel of
23 land on part of the NW ¼ Section 22, T32N,
24 R3W, Village of Vanderbilt, Otsego County,
25 Michigan, described as beginning at the north-

1 west corner of said Section 22; thence S88°
2 15'18"E, 1321.66' along the north line of said
3 Section 22; thence S00°06'15"E, 271.37' along
4 the westerly $\frac{1}{8}$ line of said Section 22; thence
5 511.42' along a curve to the left, said curve
6 having a radius of 5844.58', delta angle of
7 5°00'48", a long chord of 511.26', bearing
8 S22°58'20"W, along the Westerly line of limited
9 access highway I-75; thence N88°15'18"W,
10 1121.33'; thence N00°05'27"W, 748.19' to the
11 point of beginning, containing 21.55 acres more
12 or less and being subject to highway easements
13 of varying widths as shown on attached Certifi-
14 cate of Survey, also subject to any other ease-
15 ments or restrictions of record, if any, Otsego
16 County Records.

17 (B) The lands chosen and acquired by the
18 Sault Tribe for transfer to the United States in
19 trust for the Sault Tribe as a part of the settle-
20 ment of the potential claims of the Sault Tribe
21 to the Charlotte Beach Lands. These Alter-
22 native Lands—

23 (i) shall comprise a single parcel not
24 to exceed 25 acres;

1 (ii) shall be located within the exterior
2 boundaries of the State of Michigan;

3 (iii) shall be located north of the
4 boundary formed by beginning on the
5 shore of Lake Huron directly east of
6 Michigan State Highway 46, then heading
7 west to the eastern most point of Michigan
8 State Highway 46, then heading westerly
9 on Michigan State Highway 46, then head-
10 ing southerly on Michigan State Highway
11 13, then heading westerly on Michigan
12 State Highway 21 to the westernmost
13 point of Michigan State Highway 21, then
14 heading westerly to the easternmost point
15 of Michigan State Highway 45, then head-
16 ing westerly on Michigan State Highway
17 45 to the westernmost point of Michigan
18 State Highway 45 to the shore of Lake
19 Michigan;

20 (iv) shall not be located closer than 25
21 miles from the Alternative Lands described
22 in subparagraph (A) and lands that are
23 held in trust for any tribe other than the
24 Sault Tribe on the date of the enactment
25 of this Act; and

1 (v) shall be located within lands pre-
2 viously ceded to the United States Govern-
3 ment by the Ottawa and Chippewa nations
4 of Indians under the Treaty of March 28,
5 1836 (7 Stat. 491).

6 (2) CHARLOTTE BEACH LANDS.—The term
7 “Charlotte Beach Lands” means those lands in the
8 Charlotte Beach area of Michigan and described as
9 follows: Government Lots 1, 2, 3, and 4 of section
10 7, T45N, R2E, and Lot 1 of section 18, T45N,
11 R2E, Chippewa County, State of Michigan.

12 (3) COMMUNITY.—The term “Community”
13 means the Bay Mills Indian Community, a federally
14 recognized Indian tribe.

15 (4) SAULT TRIBE.—The term “Sault Tribe”
16 means the Sault Ste. Marie Tribe of Chippewa Indi-
17 ans, a federally recognized Indian tribe.

18 (5) SECRETARY.—The term “Secretary” means
19 the Secretary of the Interior.

20 (6) TRIBES.—The term “Tribes” means the
21 Community and the Sault Tribe.

22 **SEC. 3. ACCEPTANCE OF ALTERNATIVE LANDS.**

23 (a) BY THE COMMUNITY.—Upon relinquishment by
24 the Community of any and all claims to the Charlotte
25 Beach Lands and dismissal with prejudice of Bay Mills

1 Indian Community v. Western Life Assurance Company
2 et al., Case No. 2:96–CV–275, United States District
3 Court for the Western District of Michigan–Northern Divi-
4 sion and Bay Mills Indian Community v. State of Michi-
5 gan et al., Michigan Court of Claims, File No. 96–16482–
6 CM—

7 (1) the Secretary shall take the Alternative
8 Lands described in section 2(1)(A) into trust for the
9 benefit of the Community as part of the settlement
10 of the Community’s claims to the Charlotte Beach
11 Lands; and

12 (2) the Alternative Lands described in section
13 2(1)(A) shall become part of the Community’s res-
14 ervation.

15 (b) BY THE SAULT TRIBE.—The Secretary shall take
16 the Alternative Lands described in section 2(1)(B) into
17 trust for the benefit of the Sault Tribe as settlement of
18 the Sault Tribe’s claims to the Charlotte Beach Lands.
19 Upon the taking of the Alternative Lands into trust, any
20 and all potential claims of the Sault Tribe in and to the
21 Charlotte Beach Lands shall be relinquished and extin-
22 guished thereby, and the lands taken into trust shall be-
23 come part of the Sault Tribe’s reservation.

24 (c) SETTLEMENT OF LAND CLAIMS.—The Alter-
25 native Lands are taken into trust as provided in this sec-

tion as part of the settlement of land claims of the Tribes within the meaning of section 20(b)(1)(B)(i) of Public Law 100–497.

SEC. 4. EXTINGUISHMENT OF TITLE AND CLAIMS.

(a) APPROVAL AND RATIFICATION OF PRIOR TRANSFERS.—Any transfer, before the date of the enactment of this Act, of land or natural resources located within the boundaries of the Charlotte Beach Lands from, by, or on behalf of any Indian, Indian nation, or tribe or band of Indians (including the 2 bands of the Sault Ste. Marie Ottawa and Chippewa Indians of Michigan of which Oshawanwan and Sha-wan were chiefs) or any member thereof, shall be deemed to have been made in accordance with the Constitution and all laws of the United States, including without limitation, the Trade and Intercourse Act of 1790, Act of July 22, 1790 (ch. 33, sec. 4; 1 Stat. 137), and Congress hereby does approve and ratify such transfers effective as of the date of such transfers.

(b) ABORIGINAL TITLE EXTINGUISHED.—

(1) IN GENERAL.—Except as provided by paragraph (2), any aboriginal title held by any Indian, Indian nation, or tribe or band of Indians (including the 2 bands of the Sault Ste. Marie Ottawa and Chippewa Indians of Michigan of which Oshawanwan and Sha-wan were chiefs and their members)

1 to any land or natural resources, the transfer of
2 which was approved and ratified by subsection (a),
3 shall be regarded as extinguished as of the date of
4 such transfer.

5 (2) THE TRIBES.—To the extent that the Char-
6 lotte Beach Lands involve land or natural resources
7 to which the Tribes had aboriginal title, relinquish-
8 ment by the Tribes under section 3 shall be regarded
9 as an extinguishment of such aboriginal title.

10 (c) EXTINGUISHMENT OF CLAIMS.—

11 (1) IN GENERAL.—Except as provided by para-
12 graph (2), any claim (including any claim for dam-
13 ages for trespass, use, or occupancy) by, or on be-
14 half of, any member of any Indian, Indian nation,
15 or tribe or band of Indians (including the 2 bands
16 of the Sault Ste. Marie Ottawa and Chippewa Indi-
17 ans of Michigan of which O-shaw-wan-no and Sha-
18 wan were chiefs) or any member thereof against the
19 United States, any State or subdivision thereof or
20 any other person which is based on—

21 (A) any interest in or right involving any
22 land or natural resources of which was ap-
23 proved and ratified by subsection (a); or

1 (B) any aboriginal title to land or natural
2 resources the extinguishment of which was ef-
3 fected by subsection (b),
4 shall be regarded as extinguished as of the date of
5 any such transfer.

6 (2) THE TRIBES.—Any transfer of land within
7 the State of Michigan to the Secretary to be taken
8 in trust for the Community or the Sault Tribe under
9 this Act shall be conditioned upon the Secretary's
10 receipt of duly enacted resolutions of the elected
11 tribal council of the Community and the Sault Tribe
12 agreeing to the extinguishment of all claims against
13 the United States, the State of Michigan or any sub-
14 division thereof, or any person or entity by the Com-
15 munity or the Sault Tribe based on the claims to the
16 Charlotte Beach Lands (including without limita-
17 tion, claims for trespass damages, use, or occu-
18 pancy) as provided in this Act, and agreeing to the
19 extinguishment of any claims against the United
20 States based on the enactment of this Act. The ex-
21 tinguishment of these claims is in consideration for
22 the benefits to the Community and the Sault Tribe
23 under this Act.

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