

Public Law 113–232
113th Congress

An Act

Dec. 16, 2014
[S. 2040]

Blackfoot River
Land Exchange
Act of 2014.
Idaho.

To exchange trust and fee land to resolve land disputes created by the realignment of the Blackfoot River along the boundary of the Fort Hall Indian Reservation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Blackfoot River Land Exchange Act of 2014”.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Shoshone-Bannock Tribes, a federally recognized Indian tribe with tribal headquarters at Fort Hall, Idaho—

(A) adopted a tribal constitution and bylaws on March 31, 1936, that were approved by the Secretary of the Interior on April 30, 1936, pursuant to the Act of June 18, 1934 (25 U.S.C. 461 et seq.) (commonly known as the “Indian Reorganization Act”);

(B) has entered into various treaties with the United States, including the Second Treaty of Fort Bridger, executed on July 3, 1868; and

(C) has maintained a continuous government-to-government relationship with the United States since the earliest years of the Union;

(2)(A) in 1867, President Andrew Johnson designated by Executive order the Fort Hall Reservation for various bands of Shoshone and Bannock Indians;

(B) the Reservation is located near the cities of Blackfoot and Pocatello in southeastern Idaho; and

(C) article 4 of the Second Treaty of Fort Bridger secured the Reservation as a “permanent home” for the Shoshone-Bannock Tribes;

(3)(A) according to the Executive order referred to in paragraph (2)(A), the Blackfoot River, as the river existed in its natural state—

(i) is the northern boundary of the Reservation; and

(ii) flows in a westerly direction along that northern boundary; and

(B) within the Reservation, land use in the River watershed is dominated by—

(i) rangeland;

(ii) dry and irrigated farming; and

(iii) residential development;

(4)(A) in 1964, the Corps of Engineers completed a local flood protection project on the River—

(i) authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 170); and

(ii) sponsored by the Blackfoot River Flood Control District No. 7;

(B) the project consisted of building levees, replacing irrigation diversion structures, replacing bridges, and channel realignment; and

(C) the channel realignment portion of the project severed various parcels of land located contiguous to the River along the boundary of the Reservation, resulting in Indian land being located north of the Realigned River and non-Indian land being located south of the Realigned River;

(5) beginning in 1999, the Cadastral Survey Office of the Bureau of Land Management conducted surveys of—

(A) 25 parcels of Indian land; and

(B) 19 parcels of non-Indian land; and

(6) the enactment of this Act and separate agreements of the parties would represent a resolution of the disputes described in subsection (b)(1) among—

(A) the Tribes;

(B) the allottees; and

(C) the non-Indian landowners.

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

(1) to resolve the land ownership and land use disputes resulting from realignment of the River by the Corps of Engineers during calendar year 1964 pursuant to the project described in subsection (a)(4)(A); and

(2) to achieve a final and fair solution to resolve those disputes.

SEC. 3. DEFINITIONS.

In this Act:

(1) ALLOTTEE.—The term “allottee” means an heir of an original allottee of the Reservation who owns an interest in a parcel of land that is—

(A) held in trust by the United States for the benefit of the allottee; and

(B) located north of the Realigned River within the exterior boundaries of the Reservation.

(2) BLACKFOOT RIVER FLOOD CONTROL DISTRICT NO. 7.—The term “Blackfoot River Flood Control District No. 7” means the governmental subdivision in the State of Idaho, located at 75 East Judicial, Blackfoot, Idaho, that—

(A) is responsible for maintenance and repair of the Realigned River; and

(B) represents the non-Indian landowners relating to the resolution of the disputes described in section 2(b)(1) in accordance with this Act.

(3) INDIAN LAND.—The term “Indian land” means any parcel of land that is—

(A) held in trust by the United States for the benefit of the Tribes or the allottees;

(B) located north of the Realigned River; and

(C) identified in exhibit A of the survey of the Bureau of Land Management entitled “Survey of the Blackfoot River of 2002 to 2005”, which is located at—

- (i) the Fort Hall Indian Agency office of the Bureau of Indian Affairs; and
- (ii) the Blackfoot River Flood Control District No. 7.

(4) **NON-INDIAN LAND.**—The term “non-Indian land” means any parcel of fee land that is—

(A) located south of the Realigned River; and

(B) identified in exhibit B, which is located at the areas described in clauses (i) and (ii) of paragraph (3)(C).

(5) **NON-INDIAN LANDOWNER.**—The term “non-Indian landowner” means any individual who holds fee title to non-Indian land and is represented by the Blackfoot River Flood Control District No. 7 for purposes of this Act.

(6) **REALIGNED RIVER.**—The term “Realigned River” means that portion of the River that was realigned by the Corps of Engineers during calendar year 1964 pursuant to the project described in section 2(a)(4)(A).

(7) **RESERVATION.**—The term “Reservation” means the Fort Hall Reservation established by Executive order during calendar year 1867 and confirmed by treaty during calendar year 1868.

(8) **RIVER.**—The term “River” means the Blackfoot River located in the State of Idaho.

(9) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(10) **TRIBES.**—The term “Tribes” means the Shoshone-Bannock Tribes.

SEC. 4. RELEASE OF CLAIMS TO CERTAIN INDIAN AND NON-INDIAN OWNED LANDS.

Effective date.

(a) **RELEASE OF CLAIMS.**—Effective on the date of enactment of this Act—

(1) all existing and future claims with respect to the Indian land and the non-Indian land and all right, title, and interest that the Tribes, allottees, non-Indian landowners, and the Blackfoot River Flood Control District No. 7 may have had to that land shall be extinguished;

(2) any interest of the Tribes, the allottees, or the United States, acting as trustee for the Tribes or allottees, in the Indian land shall be extinguished under section 2116 of the Revised Statutes (commonly known as the “Indian Trade and Intercourse Act”) (25 U.S.C. 177); and

(3) to the extent any interest in non-Indian land transferred into trust pursuant to section 5 violates section 2116 of the Revised Statutes (commonly known as the “Indian Trade and Intercourse Act”) (25 U.S.C. 177), that transfer shall be valid, subject to the condition that the transfer is consistent with all other applicable Federal laws (including regulations).

(b) **DOCUMENTATION.**—The Secretary may execute and file any appropriate documents (including a plat or map of the transferred Indian land) that are suitable for filing with the Bingham County clerk or other appropriate county official, as the Secretary determines necessary to carry out this Act.

SEC. 5. NON-INDIAN LAND TO BE PLACED INTO TRUST FOR TRIBES.

Effective on the date of enactment of this Act, the non-Indian land shall be considered to be held in trust by the United States for the benefit of the Tribes.

Effective date.

SEC. 6. TRUST LAND TO BE CONVERTED TO FEE LAND.

(a) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall transfer the Indian land to the Blackfoot River Flood Control District No. 7 for use or sale in accordance with subsection (b).

(b) **USE OF LAND.**—

(1) **IN GENERAL.**—The Blackfoot River Flood Control District No. 7 shall use any proceeds from the sale of land described in subsection (a) according to the following priorities:

(A) To compensate, at fair market value, each non-Indian landowner for the net loss of land to that non-Indian landowner resulting from the implementation of this Act.

(B) To compensate the Blackfoot River Flood Control District No. 7 for any administrative or other expenses relating to carrying out this Act.

(2) **REMAINING LAND.**—If any land remains to be conveyed or proceeds remain after the sale of the land, the Blackfoot River Flood Control District No. 7 may dispose of that remaining land or proceeds as the Blackfoot River Flood Control District No. 7 determines to be appropriate.

SEC. 7. EFFECT ON ORIGINAL RESERVATION BOUNDARY.

Nothing in this Act affects the original boundary of the Reservation, as established by Executive order during calendar year 1867 and confirmed by treaty during calendar year 1868.

SEC. 8. EFFECT ON TRIBAL WATER RIGHTS.

Nothing in this Act extinguishes or conveys any water right of the Tribes, as established in the agreement entitled “1990 Fort Hall Indian Water Rights Agreement” and ratified by section 4 of the Fort Hall Indian Water Rights Act of 1990 (Public Law 101-602; 104 Stat. 3060).

SEC. 9. EFFECT ON CERTAIN OBLIGATIONS.

(a) **IN GENERAL.**—Except as provided in subsection (b), nothing in this Act affects the obligation of Blackfoot River Flood Control District No. 7 to maintain adequate rights-of-way for the operation and maintenance of the local flood protection projects described in section 2(a)(4) pursuant to agreements between the Blackfoot River Flood Control District No. 7 and the Corps of Engineers.

(b) **RESTRICTION ON FEES.**—Any land conveyed to the Tribes pursuant to this Act shall not be subject to fees assessed by Blackfoot River Flood Control District No. 7.

SEC. 10. DISCLAIMERS REGARDING CLAIMS.

Nothing in this Act—

(1) affects in any manner the sovereign claim of the State of Idaho to title in and to the beds and banks of the River under the equal footing doctrine of the Constitution of the United States;

(2) affects any action by the State of Idaho to establish the title described in paragraph (1) under section 2409a of

title 28, United States Code (commonly known as the “Quiet Title Act”);

(3) affects the ability of the Tribes or the United States to claim ownership of the beds and banks of the River; or

(4) extinguishes or conveys any water rights of non-Indian landowners or the claims of those landowners to water rights in the Snake River Basin Adjudication.

Approved December 16, 2014.

LEGISLATIVE HISTORY—S. 2040 (H.R. 5049):

HOUSE REPORTS: No. 113–639 (Comm. on Natural Resources) accompanying H.R. 5049.

SENATE REPORTS: No. 113–242 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 160 (2014):

Sept. 18, considered and passed Senate.

Dec. 1, 2, considered and passed House.