

SEC. 6. Act 249 of the Session Laws of Hawaii, 1955, as amended by section 5 above is hereby approved and ratified.

Approved July 14, 1956.

Public Law 717

CHAPTER 603

July 14, 1956
[H. R. 7663]

AN ACT

To provide for settlement in part of certain claims of the Uintah and White River Bands of Ute Indians in Court of Claims case numbered 47568, through restoration of subsurface rights in certain lands formerly a part of the Uintah Indian Reservation.

Uintah and White
River Bands of
Indians.
Claims.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after acceptance by the Ute Indian Tribe of the Uintah and Ouray Reservation, in Utah, of the provisions of this Act and the filing by the Uintah and White River Bands of Ute Indians of an amendment to the petition in Court of Claims case numbered 47568, as provided in section 5 hereof, all right, title, and interest in and to the mineral and oil and gas resources of the land described in section 6, shall be restored to tribal ownership and vested in the United States in trust for the Ute Indian Tribe of the Uintah and Ouray Reservation in Utah, subject to valid leases, locations, or other claims that are outstanding as of the effective date of this Act and that are thereafter maintained in compliance with the laws under which they were initiated, and all rentals, royalties, or other payments received by the United States under or on account of such leases after the effective date of this Act shall be deposited into the Treasury of the United States to the credit of the Ute Indian Tribe of the Uintah and Ouray Reservations, in Utah, pursuant to the provisions of the Act of May 17, 1926 (44 Stat. 560), as amended (25 U. S. C., sec. 155), and shall be subject to division between the full-blood and the mixed-blood groups, and shall be available for advance or expenditure, in accordance with the provisions of sections 10 and 11 of the Act of August 27, 1954 (68 Stat. 868).

68 Stat. 873.

SEC. 2. The Ute Indian tribe of the Uintah and Ouray Reservation, in Utah, acting by the tribal business committee representing the full-blood group, and the authorized representatives of the mixed-blood group (in accordance with section 10 of the Act of August 27, 1954, 68 Stat. 868), may prospect, mine, drill, remove, process, or otherwise exploit any or all of the mineral and oil and gas resources of the land described in section 6 of this Act that are not covered by valid leases, locations, or other claims as of the effective date of this Act; may sell or otherwise dispose of any or all of the production obtained through the exploitation of such resources by said tribe; and may issue leases or permits for the prospecting, mining, drilling, removal, or processing of such resources. Each such action shall be in accordance with the provisions of law and of the constitution, bylaws, and corporate charter of said tribe that would be applicable to the taking of like action with respect to mineral resources within the Uintah and Ouray Reservation. Any operations conducted pursuant to this section or under a lease or permit issued pursuant to this section shall also be subject to the direction and control of the Secretary of Agriculture to the extent provided in section 3 of this Act. The mineral resources of the land described in section 6 shall not be subject to disposition otherwise than as provided in this section, except in pursuance of valid leases, locations or other claims existing at the time this Act becomes effective and thereafter maintained in compliance with the laws under which the same were initiated.

SEC. 3. The term "direction and control of the Secretary of Agriculture" as used herein means such administrative supervision by the Secretary of Agriculture as is reasonably necessary to prevent serious injury to the surface resources of the land described in section 6, or the adjoining lands of the Uintah National Forest, but shall not be construed to prohibit the use of the surface, under accepted engineering or mining standards, for installation of mining equipment or machinery, building and maintaining roadways, free ingress and egress for mining and removal of subsurface resources to market, and the mining and removal of subsurface resources, including the sinking of shafts, driving tunnels or other standard mining methods, except that strip or hydraulic mining shall be permitted only if, and under conditions, approved by the Secretary of Agriculture.

SEC. 4. The benefits herein granted to the Ute Indian Tribe of the Uintah and Ouray Reservation, in Utah, shall be in partial settlement of the claims of the Uintah and White River Bands of Ute Indians pending before the Court of Claims in docket numbered 47568, and upon acceptance, as provided in section 5, shall have the effect of releasing the United States from any claimed liability for the payment of such damages as might be based upon the mineral and oil and gas resources or value thereof attributable to the lands which are the subject matter of that said action. Any jurisdiction of the Court of Claims to make an award of damages including or based upon mineral and oil and gas values in docket numbered 47568 shall be withdrawn upon this Act's taking effect as provided in section 5, and jurisdiction of the Court of Claims in docket numbered 47568 shall thereafter be continued only as to a claim for just compensation based upon the value of the surface rights of the lands which are the subject of that action: *Provided*, That the standard of liability and measure of damages in such action shall in all other respects be determined by the provisions of the Ute Jurisdictional Act of June 28, 1938 (52 Stat. 1209), as amended by the Acts of July 15, 1941 (55 Stat. 593), June 22, 1943 (57 Stat. 160), June 11, 1946 (60 Stat. 255), and sections 1, 2, 11, and 25 of the Act of August 13, 1946 (60 Stat. 1049), except that any money heretofore received by the United States, for or on account of the patenting or other disposition, without reservation of mineral rights, of any of the land covered by the claim, and paid over to or expended for the benefit of the Uintah and White River Bands shall be deemed to be in lieu of compensation for the subsurface values thus disposed of and shall not be allowed as a payment on the claim or an offset against any recovery which may be awarded as compensation for the surface rights.

25 USC 70, 70a,
70j, 70 note.

SEC. 5. This Act shall not become effective unless and until (1) the Ute Indian Tribe of the Uintah and Ouray Reservation, in Utah, accepts its provisions, in such manner as may be designated by the Secretary of the Interior, within one year after the approval hereof; (2) the Uintah and White River Bands present to the Secretary of the Interior a release, satisfactory to him, of any claims they might have because the Uncompahgre Utes are permitted to share in the benefits of this Act; and (3) an amendment to the petition in docket numbered 47568 is filed with the Court of Claims limiting the prayer for relief as to the claim presently stated therein to just compensation based upon the value of surface rights only, in accordance with section 4 hereof. Such amendment when filed shall relate back to the date of filing of the original petition in docket numbered 47568. Upon the approval of this Act, and pending acceptance or rejection of its provisions by the Indians as provided herein, the land described in section 6 shall be withdrawn from lease, location, entry or any form of disposition under the public land laws except disposition pursuant to valid leases, locations, or other claims that are outstanding as of

Effectivity.

the date of approval of this Act and that are thereafter maintained in compliance with the laws under which they were initiated.

SEC. 6. The land covered by this Act is that portion of the one million and ten thousand acres of the former Uintah Reservation added to the Uintah National Forest by Executive order dated July 14, 1905 (34 Stat. 3116), which was not included for payment in the Act of February 13, 1931 (46 Stat. 1092), having been separately classified therein as coal lands and described as comprising thirty-six thousand two hundred and twenty-three acres; excluding, however, such portions thereof as have been patented or otherwise disposed of into private ownership without reservation of mineral rights as of the effective date of this Act; the said area being more particularly described as follows:

Township 1 south, range 8 west, Uintah meridian, Utah: North half, and the north half of the south half of section 16; section 17; lots 2, 3, and 4, and the southeast quarter of the northwest quarter, and the east half of the southwest quarter, and the northeast quarter of the northeast quarter, and the south half of the northeast quarter, and the southeast quarter of section 18; lot 1, and the northeast quarter of the northwest quarter, and the north half of the northeast quarter of section 19.

Township 1 south, range 9 west, Uintah meridian, Utah: Southeast quarter of the northeast quarter, and the south half of section 13; south half of the south half of section 14; south half of the south half of section 15; the northwest quarter of the southwest quarter, and the south half of the south half of section 16; southwest quarter of the northeast quarter, and the south half of the northwest quarter, and the south half of section 17; section 18; lots 1, 3, and 4, and the northeast quarter of the northwest quarter, and the east half of the southwest quarter, and the north half of the northeast quarter, and the southeast quarter of section 19; section 20; section 21; section 22; section 23; north half and the southwest quarter, and the northwest quarter of the southeast quarter of section 24; the northwest quarter of the northwest quarter of section 25; the north half of section 26; north half of section 27; the north half of section 28; the north half and the east half of the southwest quarter and the north half of the southeast quarter of section 29; lots 1, 2, and 3, and the east half of the northwest quarter, and the northeast quarter of section 30.

Township 1 south, range 10 west, Uintah meridian, Utah: The south half of the south half of section 10; the south half of the south half of section 11; the south half of the south half of section 12; section 13; section 14; section 15; section 16; the northeast quarter and south half of the northwest quarter, and the south half of section 17; the southeast quarter of the northeast quarter, and the southeast quarter of the southwest quarter, and the southeast quarter of section 18; section 19; section 20; section 21; section 22; section 23; section 24; the north half and the north half of the south half of section 25; section 26; section 27; section 28; section 29; the east half and lots 1, 2, 3, and 4, and the east half of the west half of section 30; lots 1, 2, 3, and 4, and the east half of the west half and the east half of section 31; section 32; the north half and the north half of the southwest quarter of section 33; and the northeast quarter of the northeast quarter, and the west half of the northeast quarter, and the northwest quarter of section 34; the north half of the north half of section 35.

Township 1 south, range 11 west, Uintah meridian, Utah: Lots 1, 2, 3, and 4, and the east half of the west half, and the southeast quarter of section 18; section 19; the northwest quarter of the northwest quarter and the south half of the northwest quarter and the southwest quarter and the west half of the southeast quarter of section 20; the east half and the east half of the northwest quarter and the northeast quarter of the southwest quarter of section 25; the west half of

the southwest quarter and the southeast quarter of the southwest quarter and the southwest quarter of the southeast quarter, of section 28; section 29; section 30; the northeast quarter, and lots 1, 2, 3, and 4, and the east half of the west half, and the southeast quarter of section 31; section 32; section 33; section 34; the west half of section 35; the northeast quarter and the east half of the southeast quarter of section 36.

Township 1 south, range 12 west, Uintah meridian, Utah: Lots 1, 2, 3, and 4, and the south half of the south half of section 12; section 13; section 24; the northeast quarter, and the northwest quarter of the southeast quarter of section 25.

Township 2 south, range 10 west, Uintah meridian, Utah: Section 4, section 5; section 6; section 7; section 8; section 9.

Township 2 south, range 11 west, Uintah meridian, Utah: Lots 3 and 4 of section 2; lots 1, 2, 3, and 4, and the south half of the north half and the south half of section 3; lots 1, 2, 3, and 4, and the south half of the north half and the south half of section 4.

SEC. 7. This Act is for the purpose of effecting partial settlement of the claims asserted by the Uintah and White River Bands of Ute Indians against the United States in Court of Claims case numbered 47568 and shall not be construed as giving recognition to any rights or title of the Uintah, White River, or Uncompahgre Bands of Ute Indians except as provided for in this Act.

Approved July 14, 1956.

Purpose.

Public Law 718

CHAPTER 604

AN ACT

Relating to the plan for control of the property of the Menominee Indian Tribe, and for other purposes.

July 14, 1956
[H. R. 9280]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Act entitled "An Act to provide for a per capita distribution of Menominee tribal funds and authorize the withdrawal of the Menominee Tribe from Federal jurisdiction", approved June 17, 1954 (68 Stat. 250), is amended to read as follows:

Menominee Indians.

"SEC. 7. The tribe shall as soon as possible and in no event later than December 31, 1957, formulate and submit to the Secretary a plan for the future control of the tribal property and service functions now conducted by or under the supervision of the United States, including, but not limited to, services in the fields of health, education, welfare, credit, roads, and law and order, and for all other matters involved in the withdrawal of Federal supervision. The Secretary is authorized to provide such reasonable assistance as may be requested by officials of the tribe in the formulation of the plan heretofore referred to, including necessary consultations with representatives of Federal departments and agencies, officials of the State of Wisconsin and political subdivisions thereof, and members of the tribe: *Provided*, That the responsibility of the United States to furnish all such supervision and services to the tribe and to the members thereof, because of their status as Indians, shall cease on December 31, 1958, or on such earlier date as may be agreed upon by the tribe and the Secretary. The plan shall contain provision for protection of the forest on a sustained yield basis, and for the protection of the water, soil, fish and wildlife. To the extent necessary, the plan shall provide for such terms of transfer pursuant to section 8 of this Act, by trust or otherwise, as shall insure the continued fulfillment of the plan. The Secretary, after approving the plan, shall cause the plan to be published

Tribal property control plan.

Publication in FR.