

114TH CONGRESS
2D SESSION

H. R. 6469

To revise the Yurok Reservation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 7, 2016

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

A BILL

To revise the Yurok Reservation, and for other purposes.

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. SHORT TITLE.**

4 This Act may be cited as the “Yurok Lands Act”.

5 **SEC. 2. DEFINITIONS.**

6 For the purposes of this Act:

7 (1) **FEDERAL AGENCY.**—The term “Federal
8 agency” has the same meaning given that term in
9 section 40 CFR 1508.12, excluding for purposes of
10 this definition, States and units of general local gov-
11 ernment and Indian tribes.

1 (2) NEPA.—The term “NEPA” means the Na-
 2 tional Environmental Policy Act of 1969 (42 U.S.C.
 3 4321 et seq.).

4 (3) REVISED YUROK RESERVATION.—The term
 5 “revised Yurok Reservation” means the land within
 6 the Yurok Reservation exterior boundary as revised
 7 in section 5(a).

8 (4) SECRETARY.—The term “Secretary” means
 9 the Secretary of the Interior, the Secretary of Agri-
 10 culture, or the Secretary of Transportation, as ap-
 11 propriate.

12 (5) TRIBE.—The term “Tribe” means the
 13 Yurok Tribe, a federally recognized Indian tribe.

14 **SEC. 3. TRIBAL-FEDERAL PARTNERSHIPS FOR FEDERAL**
 15 **LAND AND RESOURCE MANAGEMENT.**

16 (a) IN GENERAL.—At the Tribe’s option, the Tribe
 17 shall act as a joint lead agency pursuant to NEPA for
 18 major Federal actions within the Revised Yurok Reserva-
 19 tion in accordance with a Memorandum of Understanding
 20 entered into between the Federal lead agency and the
 21 Tribe.

22 (1) The Memorandum of Understanding shall
 23 be negotiated in good faith, comply with NEPA reg-
 24 ulations, and shall be finalized within 30 days from

1 the date of notice of initiation of a NEPA process.

2 The Memorandum of Understanding shall include—

3 (A) the respective roles and responsibilities
4 of the Tribe and the Federal lead agency in the
5 NEPA process;

6 (B) mechanisms for dispute resolution; and

7 (C) a requirement that environmental im-
8 pact statements shall discuss any inconsistency
9 of a proposed action with any plan or environ-
10 mental requirement of the Tribe (whether or
11 not federally sanctioned). Where such an incon-
12 sistency exists, the statement shall describe—

13 (i) the extent to which the agency
14 would reconcile its proposed action with
15 the plan or environmental requirement;
16 and

17 (ii) what mitigation measures are
18 being imposed to lessen adverse environ-
19 mental impacts of the proposal identified
20 by the Tribe.

21 (2) If the Memorandum of Understanding is
22 not executed in the 30-day period, or an additional
23 time period as agreed to by the Tribe and the Fed-
24 eral lead agency, or is terminated, the Tribe shall

1 have the option of participating as a cooperating
2 agency in the NEPA process.

3 (b) COOPERATING AGENCY.—At the Tribe’s option,
4 the Tribe shall act as a cooperating agency for major Fed-
5 eral actions within the area depicted on the map titled
6 “Klamath and Redwood Creek Watersheds” dated Decem-
7 ber 7, 2016.

8 (c) NO LIMITATION ON EXISTING AUTHORITY.—
9 Nothing in this section shall limit the Tribe or any other
10 federally recognized Indian tribe’s ability to participate in
11 any NEPA process as a joint lead agency or a cooperating
12 agency.

13 (d) COOPERATIVE AGREEMENTS WITH THE
14 TRIBE.—

15 (1) REDWOOD NATIONAL PARK.—The Secretary
16 shall enter into a cooperative agreement with the
17 Tribe for system unit natural resource protection for
18 the purpose of protecting natural resources of Red-
19 wood National Park pursuant to section 101702 of
20 title 54, United States Code.

21 (2) FOREST SERVICE.—The Secretary of Agri-
22 culture shall enter into a cooperative agreement with
23 the Tribe that will include, but is not limited to, pro-
24 visions that implement section 4.

1 (3) TRIBE AS AN AGENCY.—The Tribe shall be
2 considered a State or local government agency for
3 purposes of section 101703 of title 54, United
4 States Code, and the Secretary shall enter into a co-
5 operative management agreement with the Tribe
6 pursuant to that section.

7 (4) CONFIRMATION AND AUTHORIZATION OF
8 COOPERATIVE AGREEMENT RELATED TO THE KLAM-
9 ATH RIVER BASIN.—The 2006 “Cooperative Agree-
10 ment between the Department of the Interior and
11 the Yurok Tribe for the Cooperative Management of
12 Tribal and Federal Lands and Resources in the
13 Klamath River Basin of California” is confirmed
14 and the Secretary is authorized to take such actions
15 as are necessary to effectuate the agreement.

16 (e) SELF-GOVERNANCE AGREEMENTS.—Federal
17 agencies, as appropriate, shall negotiate in good faith self-
18 governance agreements pursuant to the Indian Self-Deter-
19 mination and Education Assistance Act of 1975 (25
20 U.S.C. 450–458bbb2). Program functions, services, and
21 activities or portions thereof carried out by the National
22 Park Service on Federal land within the Revised Yurok
23 Reservation shall be included in a contract or compact to
24 the extent allowed under title I or title IV of the Indian
25 Self-Determination and Education Assistance Act.

1 **SEC. 4. LAND TO BE HELD IN TRUST FOR THE TRIBE.**

2 (a) IN GENERAL.—Subject to any valid existing
3 rights the Secretary of Agriculture shall transfer to the
4 Secretary of the Interior administrative jurisdiction over
5 approximately 1,229 acres in the Yurok Experimental
6 Forest administered by the Forest Service and as gen-
7 erally depicted on the map entitled “USFS Lands To Be
8 Transferred To the Yurok Tribe” and dated December 7,
9 2016. The map shall be on file and available for public
10 inspection in the appropriate offices of the Forest Service.

11 (b) ADMINISTRATION.—The Secretary of the Interior
12 shall hold the land under subsection (a) in trust for the
13 benefit of the Tribe.

14 (c) TRIBAL LAND USE MANAGEMENT PLAN.—The
15 Tribe shall develop a Tribal Land Use Management Plan
16 in accordance with NEPA requirements for the 1,229
17 acres depicted on the map entitled “USFS Lands To Be
18 Transferred To the Yurok Tribe” and dated December 7,
19 2016.

20 (d) GOVERNMENT-TO-GOVERNMENT AGREE-
21 MENTS.—Within one year of enactment of this Act, the
22 Secretary of Agriculture and the Tribe shall enter into
23 government-to-government consultations and shall develop
24 protocols to ensure that research activities of the Forest
25 Service on lands taken into trust in this section shall con-
26 tinue in perpetuity. The Forest Service shall be authorized

1 to enter into cooperative agreements with the Tribe for
2 the purpose of implementing this section.

3 (e) SURVEY.—Not later than one year after the date
4 of the enactment of this Act, the Secretary of the Interior
5 shall complete a survey to establish the exterior bound-
6 aries of the land taken into trust for the Tribe under this
7 section.

8 (f) USE OF TRUST LAND.—Land taken into trust
9 under subsection (a) shall—

10 (1) be managed by the Tribe for conservation
11 and research purposes;

12 (2) not be eligible or used for any gaming activ-
13 ity carried out under the Indian Gaming Regulatory
14 Act (25 U.S.C. 2701 et seq.); and

15 (3) not be subject to old growth logging.

16 **SEC. 5. YUOK RESERVATION BOUNDARY ADJUSTMENT.**

17 (a) IN GENERAL.—The Secretary shall revise the
18 boundary of the Yurok Reservation as depicted on the map
19 entitled “Revised Yurok Reservation Boundary” and
20 dated December 7, 2016, copies of which shall be on file
21 and available for public inspection in the appropriate of-
22 fices of the Bureau of Indian Affairs.

23 (b) LAND MANAGEMENT.—Subject to the require-
24 ments of sections 3 and 4—

1 (1) all National Forest System land within the
2 revised Yurok Reservation shall continue to be ad-
3 ministered by the Forest Service in accordance with
4 applicable laws and regulations; and

5 (2) all National Park System land within the
6 revised Yurok Reservation shall continue to be ad-
7 ministered by the National Park Service in accord-
8 ance with applicable laws and regulations.

9 **SEC. 6. YUROK SCENIC BYWAY DESIGNATION.**

10 (a) DESIGNATION OF THE YUROK SCENIC BYWAY.—
11 Bald Hills Road from its junction with U.S. Highway 101
12 to its terminus on the Klamath River shall be designated
13 as the “Yurok Scenic Byway”, an Indian Tribe scenic
14 byway, and the Tribe shall be eligible for appropriate
15 grants and technical assistance as authorized in section
16 162(b) of title 23, United States Code.

17 (b) CONTINUED ACCESS AND USE RETAINED.—The
18 Tribe shall not prohibit or limit, and the Secretary of the
19 Interior shall permit, continued access and use of the Bald
20 Hills Road in accordance with section 101(a)(4) of the
21 Redwood National Park Expansion Act of 1978 (92 Stat.
22 163).

1 **SEC. 7. CONFIRMATION OF GOVERNING BODY AND DOCU-**
2 **MENTS.**

3 The governing documents of the Tribe and the gov-
4 erning body established and elected thereunder, as recog-
5 nized by the Secretary and in effect on the date of the
6 enactment of this Act, are hereby ratified and confirmed
7 and shall only have effect within the revised Yurok Res-
8 ervation. No inference shall be made by this section as
9 to outside the revised Yurok Reservation.

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