

# BLACKFOOT RIVER LAND EXCHANGE ACT OF 2014

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2040) 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.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2040

*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.

(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.

## 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.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from California (Mr. LOWENTHAL) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

#### GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first, I would like to, once again, acknowledge the work of the gentleman from Idaho (Mr. SIMPSON) for his work on the House companion to this bill, H.R. 5049, which was ordered favorably reported from the Natural Resources Committee by unanimous consent.

S. 2040 addresses a land dispute caused by the realignment of the Blackfoot River along the boundary of the Fort Hall Indian Reservation in Idaho by requiring an exchange of Indian lands for non-Indian lands. Specifically, S. 2040 authorizes the Federal Government to take into trust certain non-Indian lands on behalf of the Shoshone-Bannock Tribes in Idaho. In exchange, the government would then convey certain Indian lands. Finally, in recognition of this land exchange, the bill extinguishes claims that would be asserted by the tribes against the Federal Government.

It is a complex solution, Mr. Speaker, to a complex problem, and I am glad we will be able to resolve that problem with this bill. With that, I reserve the balance of my time.

Mr. LOWENTHAL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2040 would resolve border changes to the Fort Hall Reservation after the realignment of the Blackfoot River by the Army Corps of Engineers in 1964. This bill settles boundary disputes for the tribes of the Fort Hall Reservation and directs the Secretary of the Interior to transfer the Indian land to the Blackfoot River Flood Control District Number 7 for use or sale and requires that the non-Indian land be held in trust for the tribes.

The bill allows the local flood control district to compensate non-Indian landowners at fair market value. The disposition of the remaining lands, after the sale of the lands, is left to the discretion of the Flood Control District Number 7.

Mr. Speaker, I support passage of this bill, and I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 3 minutes to the gentleman from Idaho (Mr. SIMPSON), the author of the companion House bill to this legislation.

Mr. SIMPSON. Mr. Speaker, again, I thank the chairman for bringing this piece of legislation to the floor.

Mr. Speaker, I rise today in support of S. 2040, the Blackfoot River Land Exchange Act of 2014. This important bill provides a needed fix to a long-standing problem regarding the northern boundary of the Fort Hall Reservation of the Shoshone-Bannock Tribes in Idaho. When I grew up in Blackfoot, which was on the northern side of the Fort Hall Reservation, the Blackfoot River was the designation of the northern boundary of the Fort Hall Indian Reservation and the southern part of the city of Blackfoot. As I was growing up, I can remember in the early days it used to ice up because it was a meandering, small river, and it would ice up, flood, and cause havoc.

Since its designation, however, in 1960, the Corps of Engineers flood control project changed the flow of the river, leaving some tribal land located north of the river and some non-Indian land located south of the river. For years, the tribes and affected landowners have collaborated to find a solution to this problem that works for all concerned. S. 2040 is that solution. The bill is a simple land exchange that would make both the tribes and the affected landowners whole.

S. 2040 is the result of cooperation and give-and-take. The bill passed the Senate in September with unanimous consent, and the House version of the bill was passed unanimously by the committee this fall. I look forward to seeing it signed into law before the end of this year. It will solve a long-standing problem for the Fort Hall Indian Reservation and the city of Blackfoot.

Mr. LOWENTHAL. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, once again, this is a good piece of legislation addressing a com-

plex issue. I urge its adoption, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, S. 2040.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

#### NEVADA NATIVE NATIONS LAND ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2455) to provide for the sale or transfer of certain Federal lands in Nevada, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2455

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

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Nevada Native Nations Land Act”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

#### TITLE I—ELKO MOTOCROSS LAND CONVEYANCE

Sec. 101. Definitions.

Sec. 102. Conveyance of land to county.

#### TITLE II—CONVEYANCE OF LAND TO INDIAN TRIBES

Sec. 201. Conveyance of land to be held in trust for certain Indian tribes.

Sec. 202. Administration.

#### SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term “Secretary” means the Secretary of the Interior.

#### TITLE I—ELKO MOTOCROSS LAND CONVEYANCE

##### SEC. 101. DEFINITIONS.

In this title:

(1) **CITY.**—The term “city” means the city of Elko, Nevada.

(2) **COUNTY.**—The term “county” means the county of Elko, Nevada.

(3) **MAP.**—The term “map” means the map entitled “Elko Motocross Park” and dated January 9, 2010.

##### SEC. 102. CONVEYANCE OF LAND TO COUNTY.

(a) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, subject to valid existing rights and such terms and conditions as the Secretary determines to be necessary and after agreement from the county, the Secretary shall convey to the county, without consideration, all right, title, and interest of the United States in and to the land described in subsection (b).

(b) **DESCRIPTION OF LAND.**—The land referred to in subsection (a) consists of approximately 275 acres of land managed by the Bureau of Land Management, Elko District, Nevada, as generally depicted on the map as “Elko Motocross Park”.