

115TH CONGRESS
1ST SESSION

H. R. 3847

To revise the Yurok Reservation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2017

Mr. HUFFMAN (for himself, Mr. COLE, and Mrs. TORRES) 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 1508.12 of title 40, Code of Federal Regula-
10 tions, except that such term shall not include States,
11 units of general local government, and Indian
12 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), except land owned in fee by or held
8 in trust by the United States for the benefit of a
9 federally recognized Indian Tribe other than the
10 Yurok Tribe.

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

15 (5) TRIBE.—The term “Tribe” means the
16 Yurok Tribe, a federally recognized Indian Tribe.

17 **SEC. 3. TRIBAL-FEDERAL PARTNERSHIPS FOR FEDERAL**
18 **LAND AND RESOURCE MANAGEMENT.**

19 (a) IN GENERAL.—For the purposes of any process
20 triggered by a requirement under NEPA regarding a
21 major Federal action on Federal land within the revised
22 Yurok Reservation, at the Tribe’s option, the Tribe shall—

23 (1) act as a joint lead agency in accordance
24 with a Memorandum of Understanding entered into
25 between the lead Federal agency and the Tribe not

1 later than 30 days after the date of notice of initi-
2 ation of the process; or

3 (2) act as a participating or cooperating agency
4 if a Memorandum of Understanding is not executed
5 within the 30-day period (or an additional time pe-
6 riod agreed to by the Tribe and the Federal lead
7 agency) or is terminated.

8 (b) REQUIREMENTS FOR MEMORANDUM OF UNDER-
9 STANDING.—A Memorandum of Understanding entered
10 into under this section shall—

11 (1) be negotiated in good faith;

12 (2) comply with NEPA regulations; and

13 (3) include—

14 (A) the respective roles and responsibilities
15 of the Tribe and the lead Federal agency in the
16 NEPA process;

17 (B) mechanisms for dispute resolution; and

18 (C) a requirement that environmental im-
19 pact statements shall discuss any inconsistency
20 of a proposed action with any plan or environ-
21 mental requirement of the Tribe (whether or
22 not federally sanctioned), and, where such an
23 inconsistency exists, a requirement that the en-
24 vironmental impact statement shall describe—

1 (i) the extent to which the lead Fed-
2 eral agency would reconcile its proposed
3 action with the plan or environmental re-
4 quirement; and

5 (ii) what mitigation measures are
6 being imposed to lessen adverse environ-
7 mental impacts of the proposal identified
8 by the Tribe.

9 (c) COOPERATING AGENCY.—For the purpose of any
10 process triggered by a requirement under NEPA regard-
11 ing a major Federal action on Federal land that may af-
12 fect the revised Yurok Reservation, at the option of the
13 Tribe, the Tribe shall act as a cooperating agency.

14 (d) NO LIMITATION ON EXISTING AUTHORITY.—
15 Nothing in this section shall limit ability of the Tribe or
16 any other federally recognized Indian Tribe to participate
17 in any process triggered by a requirement under NEPA
18 as a joint lead or a cooperating agency.

19 (e) COOPERATIVE AGREEMENTS WITH THE TRIBE.—

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

1 (2) FOREST SERVICE.—The Secretary of Agri-
2 culture shall enter into a cooperative agreement with
3 the Tribe that includes, at a minimum, provisions
4 that implement section 4.

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

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

20 (f) SELF-GOVERNANCE AGREEMENTS.—Federal
21 agencies, as appropriate, shall negotiate, in good faith,
22 self-governance agreements under this Act pursuant to the
23 Indian Self-Determination and Education Assistance Act
24 (25 U.S.C. 5301 et seq.). Program functions, services, and
25 activities, or portions thereof, carried out by the National

1 Park Service on Federal land within the revised Yurok
2 Reservation shall be included in a contract or compact to
3 the extent allowed under title I or title IV of the Indian
4 Self-Determination and Education Assistance Act.

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

6 (a) IN GENERAL.—Subject to any valid existing
7 rights, the Secretary of Agriculture shall transfer to the
8 Secretary of the Interior administrative jurisdiction over
9 approximately 1,229 acres in the Yurok Experimental
10 Forest administered by the Forest Service, as generally
11 depicted on the map entitled “Experimental Forest” and
12 dated October 4, 2016. The map shall be on file and avail-
13 able for public inspection in the appropriate offices of the
14 Forest Service.

15 (b) ADMINISTRATION.—The Secretary of the Interior
16 shall hold the land transferred under subsection (a) in
17 trust for the benefit of the Tribe.

18 (c) TRIBAL LAND USE MANAGEMENT PLAN.—The
19 Tribe shall develop a Tribal Land Use Management Plan
20 in accordance with NEPA requirements for the land held
21 in trust pursuant to subsection (b).

22 (d) GOVERNMENT-TO-GOVERNMENT AGREE-
23 MENTS.—Not later than one year after the date of the
24 enactment of this Act, the Secretary of Agriculture and
25 the Tribe—

1 (1) shall enter into government-to-government
2 consultations;

3 (2) shall develop protocols to ensure that re-
4 search activities of the Forest Service on lands taken
5 into trust pursuant to subsection (b) shall continue
6 in perpetuity; and

7 (3) may enter into cooperative agreements be-
8 tween the Secretary of Agriculture and the Tribe for
9 the purpose of implementing this section.

10 (e) SURVEY.—Not later than one year after the date
11 of the enactment of this Act, the Secretary of the Interior
12 shall complete a survey to establish the exterior bound-
13 aries of the land taken into trust pursuant to subsection
14 (b).

15 (f) USE OF TRUST LAND.—Land taken into trust
16 pursuant to subsection (b) shall—

17 (1) be managed by the Tribe for conservation
18 and research purposes;

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

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

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

24 (a) IN GENERAL.—The Secretary shall revise the
25 boundary of the Yurok Reservation as depicted on the map

1 entitled “Revised Yurok Reservation Boundary” and
2 dated September 20, 2017, copies of which shall be on
3 file and available for public inspection in the appropriate
4 offices of the Bureau of Indian Affairs.

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

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

11 (2) all National Park System land within the
12 revised Yurok Reservation shall continue to be ad-
13 ministered by the National Park Service in accord-
14 ance with applicable laws and regulations.

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

16 (a) DESIGNATION OF THE YUROK SCENIC BYWAY.—
17 Bald Hills Road from its junction with U.S. Highway 101
18 to its terminus on the Klamath River shall be designated
19 as the “Yurok Scenic Byway”, an Indian Tribe scenic
20 byway, and the Tribe shall be eligible for appropriate
21 grants and technical assistance as authorized in section
22 162(b) of title 23, United States Code.

23 (b) CONTINUED ACCESS AND USE RETAINED.—The
24 Tribe shall not prohibit or limit, and the Secretary of Inte-
25 rior shall allow, continued access and use of the Bald Hills

1 Road in accordance with section 3(b)(1) of the Act entitled
2 “An Act to establish a Redwood National Park in the
3 State of California, and for other purposes”, approved Oc-
4 tober 2, 1968 (16 U.S.C. 79c).

5 **SEC. 7. CONFIRMATION OF GOVERNING BODY AND DOCU-**
6 **MENTS.**

7 The governing documents of the Tribe and the gov-
8 erning body established and elected thereunder, as recog-
9 nized by the Secretary and in effect on the date of the
10 enactment of this Act, are hereby ratified and confirmed
11 and shall only have effect within the revised Yurok Res-
12 ervation.

13 **SEC. 8. NO DELEGATION OF FEDERAL AUTHORITY OVER**
14 **NON-TRIBAL LAND OR PEOPLE.**

15 Nothing in this Act (including the ratification and
16 confirmation by section 7 of the governing documents of
17 the Tribe and the governing body established and elected
18 thereunder) shall be construed as a delegation of Federal
19 or other authority to the Tribe, the Tribal body, or any
20 member of the Tribe, over or related to land or interests
21 in land that are not within the revised Yurok Reservation.

22 **SEC. 9. NO ADDITIONAL AUTHORITY OR RIGHTS.**

23 Nothing in this Act shall increase, diminish, or other-
24 wise affect the rights, privileges, or authorities of any fed-

- 1 erally recognized Indian Tribe in relation to any other fed-
- 2 erally recognized Indian Tribe.

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