

116TH CONGRESS
1ST SESSION

H. R. 1312

To recognize tribal cooperation in the environmental review of proposed actions affecting the revised Yurok Reservation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 19, 2019

Mr. HUFFMAN (for himself, Mrs. TORRES of California, Mr. SOTO, Mr. MULLIN, and Mr. CÁRDENAS) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To recognize tribal cooperation in the environmental review of proposed actions affecting the revised 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 of
5 2019”.

6 **SEC. 2. DEFINITIONS.**

7 For the purposes of this Act:

8 (1) FEDERAL AGENCY.—The term “Federal
9 agency” has the same meaning given that term in

1 section 1508.12 of title 40, Code of Federal Regula-
2 tions, except that such term shall not include States,
3 units of general local government, and Indian
4 Tribes.

5 (2) NEPA.—The term “NEPA” means the Na-
6 tional Environmental Policy Act, as amended (42
7 U.S.C. 4321 et seq.).

8 (3) REVISED YUOK RESERVATION.—The term
9 “revised Yurok Reservation” means the land within
10 the exterior boundary of the Yurok Reservation as
11 revised in section 4(a), except land owned in fee by
12 or held in trust by the United States for the benefit
13 of a federally recognized Indian Tribe other than the
14 Yurok Tribe.

15 (4) SECRETARY.—The term “Secretary” means
16 the Secretary of the Interior, the Secretary of Agri-
17 culture, or the Secretary of Transportation, as ap-
18 propriate.

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

21 **SEC. 3. LAND TO BE HELD IN TRUST FOR THE TRIBE.**

22 (a) IN GENERAL.—Subject to any valid existing
23 rights, the Secretary of Agriculture shall transfer to the
24 Secretary of the Interior administrative jurisdiction over
25 approximately 1,229 acres in the Yurok Experimental

1 Forest and Six Rivers National Forest, as generally de-
2 picted on the map entitled “Experimental Forest” and
3 dated October 4, 2016. The map shall be on file and avail-
4 able for public inspection in the appropriate offices of the
5 Forest Service.

6 (b) ADMINISTRATION.—The Secretary of the Interior
7 shall hold the land transferred under subsection (a) in
8 trust for the benefit of the Tribe.

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

13 (d) GOVERNMENT-TO-GOVERNMENT AGREE-
14 MENTS.—Not later than one year after the date of the
15 enactment of this Act, the Secretary of Agriculture and
16 the Tribe—

17 (1) shall enter into government-to-government
18 consultations;

19 (2) shall develop protocols to ensure that re-
20 search activities of the Forest Service on lands taken
21 into trust pursuant to subsection (b) shall continue
22 in perpetuity; and

23 (3) may enter into cooperative agreements be-
24 tween the Secretary of Agriculture and the Tribe for
25 the purpose of implementing this section.

1 (e) SURVEY.—Not later than one year after the date
2 of the enactment of this Act, the Secretary of the Interior
3 shall complete a survey to establish the exterior bound-
4 aries of the land taken into trust pursuant to subsection
5 (b).

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

8 (1) be managed by the Tribe for conservation
9 and research purposes;

10 (2) not be eligible, or considered to have been
11 taken into trust, for any gaming activity under the
12 Indian Gaming Regulatory Act (25 U.S.C. 2701 et
13 seq.); and

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

15 **SEC. 4. YUOK RESERVATION BOUNDARY ADJUSTMENT.**

16 (a) IN GENERAL.—The Secretary shall revise the
17 boundary of the Yurok Reservation as depicted on the map
18 entitled “Revised Yurok Indian Reservation Boundary”
19 and dated September 20, 2017, and on file and available
20 for public inspection in the appropriate offices of the Bu-
21 reau of Indian Affairs.

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

24 (1) all National Forest System land within the
25 revised Yurok Reservation shall continue to be ad-

1 ministered by the Forest Service in accordance with
2 applicable laws and regulations; and

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

7 **SEC. 5. TRIBAL-FEDERAL PARTNERSHIPS FOR FEDERAL**
8 **LAND AND RESOURCE MANAGEMENT.**

9 (a) IN GENERAL.—For the purposes of any process
10 triggered by a requirement under NEPA regarding major
11 Federal action on Federal land within the revised Yurok
12 Reservation, at the Tribe’s option, the Tribe shall act as
13 a joint lead agency in accordance with a Memorandum of
14 Understanding entered into between the lead Federal
15 agency and the Tribe not later than 30 days after the date
16 of notice of initiation of the process.

17 (b) REQUIREMENTS FOR MEMORANDUM OF UNDER-
18 STANDING.—A Memorandum of Understanding entered
19 into under this section shall—

20 (1) be negotiated in good faith;

21 (2) comply with the NEPA statute and regula-
22 tions; and

23 (3) include—

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

4 (B) mechanisms for dispute resolution; and

5 (C) a requirement that environmental im-
6 pact statements shall discuss any inconsistency
7 of a proposed action with any plan or environ-
8 mental requirement of the Tribe (whether or
9 not federally sanctioned), and, where such an
10 inconsistency exists, a requirement that the en-
11 vironmental impact statement shall describe—

12 (i) the extent to which the lead Fed-
13 eral agency would reconcile its proposed
14 action with the plan or environmental re-
15 quirement; and

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

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

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

6 (e) COOPERATIVE AGREEMENTS WITH THE TRIBE.—

7 (1) REDWOOD NATIONAL PARK.—The Secretary
8 shall enter into a cooperative agreement with the
9 Tribe for system unit natural resource protection for
10 the purpose of protecting natural resources of Red-
11 wood National Park pursuant to section 101702 of
12 title 54, United States Code.

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

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

23 (4) CONFIRMATION AND AUTHORIZATION OF
24 COOPERATIVE AGREEMENT RELATED TO THE KLAM-
25 ATH RIVER BASIN.—The 2006 “Cooperative Agree-

1 ment between the Department of the Interior and
2 the Yurok Tribe for the Cooperative Management of
3 Tribal and Federal Lands and Resources in the
4 Klamath River Basin of California” is confirmed
5 and the Secretary is authorized to take such actions
6 as are necessary to effectuate the agreement.

7 (f) **SELF-GOVERNANCE AGREEMENTS.**—Federal
8 agencies, as appropriate, shall negotiate, in good faith,
9 self-governance agreements under this Act pursuant to the
10 Indian Self-Determination and Education Assistance Act
11 (25 U.S.C. 5301 et seq.). Program functions, services, and
12 activities, or portions thereof, carried out by the National
13 Park Service on Federal land within the revised Yurok
14 Reservation shall be included in a contract or compact to
15 the extent allowed under title I or title IV of the Indian
16 Self-Determination and Education Assistance Act.

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

18 (a) **DESIGNATION OF THE YUROK SCENIC BYWAY.**—
19 Bald Hills Road from its junction with U.S. Highway 101
20 to its terminus on the Klamath River shall be designated
21 as the “Yurok Scenic Byway”, an Indian Tribe scenic
22 byway, and the Tribe shall be eligible for appropriate
23 grants and technical assistance as authorized in section
24 162(b) of title 23, United States Code.

1 (b) CONTINUED ACCESS AND USE RETAINED.—The
2 Tribe shall not prohibit or limit, and the Secretary of the
3 Interior shall allow, continued access and use of the Bald
4 Hills Road in accordance with section 3(b)(1) of the Act
5 entitled “An Act to establish a Redwood National Park
6 in the State of California, and for other purposes”, ap-
7 proved October 2, 1968 (16 U.S.C. 79c).

8 **SEC. 7. CONFIRMATION OF GOVERNING BODY AND DOCU-**
9 **MENTS.**

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

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

18 Nothing in this Act shall be construed as a delegation
19 of Federal or other authority to the Tribe, the Tribal body
20 or any member of the Tribe, over or related to land or
21 interests in land that are not within the revised Yurok
22 Reservation.

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

24 Nothing in this Act shall increase, diminish, or other-
25 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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