

[DISCUSSION DRAFT]

115TH CONGRESS
2D SESSION

H. R. _____

To revise the reservation of the Tolowa Dee-ni' Nation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To revise the reservation of the Tolowa Dee-ni' Nation, 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 "Tolowa Dee-ni' Nation
5 Lands Act".

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, excluding for purposes of this definition,
3 States and units of general local government and In-
4 dian Tribes.

5 (2) NEPA.—The term “NEPA” means the Na-
6 tional Environmental Policy Act of 1969 (42 U.S.C.
7 4321 et seq.).

8 (3) TOLOWA DEE-NI’ NATION RESERVATION.—
9 The term “Tolowa Dee-ni’ Nation Reservation”
10 means the land within the exterior boundary of the
11 Tolowa Dee-ni’ Nation Reservation.

12 (4) SECRETARY.—The term “Secretary”
13 means—

14 (A) with respect to land under the jurisdic-
15 tion of the Secretary of Agriculture, the Sec-
16 retary of Agriculture; and

17 (B) with respect to land under the jurisdic-
18 tion of the Secretary of the Interior, the Sec-
19 retary of the Interior.

20 (5) TRIBE.—The term “Tribe” means the
21 Tolowa Dee ni’ Nation, a federally recognized Indian
22 Tribe.

1 **SEC. 3. RESTORATION OF 1862 SMITH RIVER RESERVATION**
2 **BOUNDARY.**

3 (a) **IN GENERAL.**—The Secretary shall restore the
4 original 1862 boundary of the Smith River Reservation,
5 as depicted on the map entitled “1862 Smith River Res-
6 ervation, known as the Tolowa Dee-ni’ Nation Reserva-
7 tion” and dated _____, copies of which shall be on file and
8 available for public inspection in the appropriate offices
9 of the Bureau of Indian Affairs.

10 (b) **RESERVATION STATUS.**—The area referenced in
11 subparagraph (a) shall be referred to and declared as the
12 “Tolowa Dee-ni’ Nation Reservation”.

13 (c) **REFERENCES.**—All references to the “Smith
14 River Rancheria” in any law, map, or other document of
15 the Federal Government shall be deemed to be a reference
16 to the “Tolowa Dee-ni’ Nation Reservation”.

17 **SEC. 4. TRIBAL-FEDERAL PARTNERSHIPS FOR FEDERAL**
18 **LAND AND RESOURCE MANAGEMENT.**

19 (a) **IN GENERAL.**—The Tribe shall have the option
20 to act as a cooperating agency for any Federal action
21 where the Tribe has relevant expertise or authority, or is
22 potentially affected by or interested in a project.

23 (b) **COOPERATIVE AGREEMENTS WITH THE**
24 **TRIBE.**—

25 (1) **IN GENERAL.**—The Tribe shall be consid-
26 ered a State or local government agency in accord-

1 ance with section 126(a) of the Comprehensive Envi-
2 ronmental Response, Compensation, and Liability
3 Act of 1980. The Secretary shall enter into coopera-
4 tive management agreements with the Tribe for the
5 purpose of protecting natural resources within—

6 (A) the Tolowa Dee-ni' Nation Reserva-
7 tion; and

8 (B) the area in the State of California de-
9 picted on the map entitled "Watersheds of His-
10 torical Significance to the Tolowa Dee-ni' Na-
11 tion" and dated _____.

12 (2) CONFIRMATION AND AUTHORIZATION OF
13 COOPERATIVE AGREEMENT RELATED TO THE RED-
14 WOOD NATIONAL PARK.—The 2015 "General Agree-
15 ment Among the National Park Service, Redwood
16 National Park; California Department of Parks and
17 Recreation, Del Norte Coast Redwoods State Park,
18 Jedediah Smith Redwoods State Park, Tolowa
19 Dunes State Park, Pelican State Beach and the
20 Tolowa Dee-ni' Nation" is confirmed and the Sec-
21 retary is authorized to take such actions as are nec-
22 essary to effectuate the agreement.

23 (3) CONFIRMATION AND AUTHORIZATION OF
24 COOPERATIVE AGREEMENT RELATED TO THE SIX
25 RIVERS NATIONAL FOREST.—The [20 _____

1 “ _____”] is confirmed and the Secretary is
2 authorized to take such actions as are necessary to
3 effectuate the agreement.

4 (c) SELF-GOVERNANCE AGREEMENTS.—The Sec-
5 retary, as appropriate, shall negotiate in good faith self-
6 governance agreements pursuant to the Indian Self-Deter-
7 mination and Education Assistance Act of 1975 for pro-
8 gram functions, services, and activities or portions there-
9 of carried out under section 403(b)(2) of that Act.

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

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

16 (a) IN GENERAL.—The Secretary shall accept any
17 real property located within the exterior boundaries of the
18 Tolowa Dee-ni’ Nation Reservation into trust for the ben-
19 efit of the Tribe when such land is conveyed or otherwise
20 transferred to the Secretary, if that at the time of such
21 acceptance, there are no adverse legal claims on such
22 property, including outstanding liens, mortgages, or taxes
23 owed. The Secretary may accept any additional acreage
24 in the Tribe’s service area pursuant to the Secretary’s au-
25 thority under the Act of June 18, 1934 (48 Stat. 984).

1 (b) TREATMENT OF TRUST LAND.—Lands taken into
2 trust under subsection (a)—

3 (1) shall be part of the Tribe’s reservation;

4 (2) shall be administered in accordance with the
5 laws and regulations generally applicable to property
6 held in trust by the United States for an Indian
7 Tribe and

8 (3) shall not be eligible or used for any gaming
9 activity carried out under the Indian Gaming Regu-
10 latory Act (25 U.S.C. 2701 et seq.).

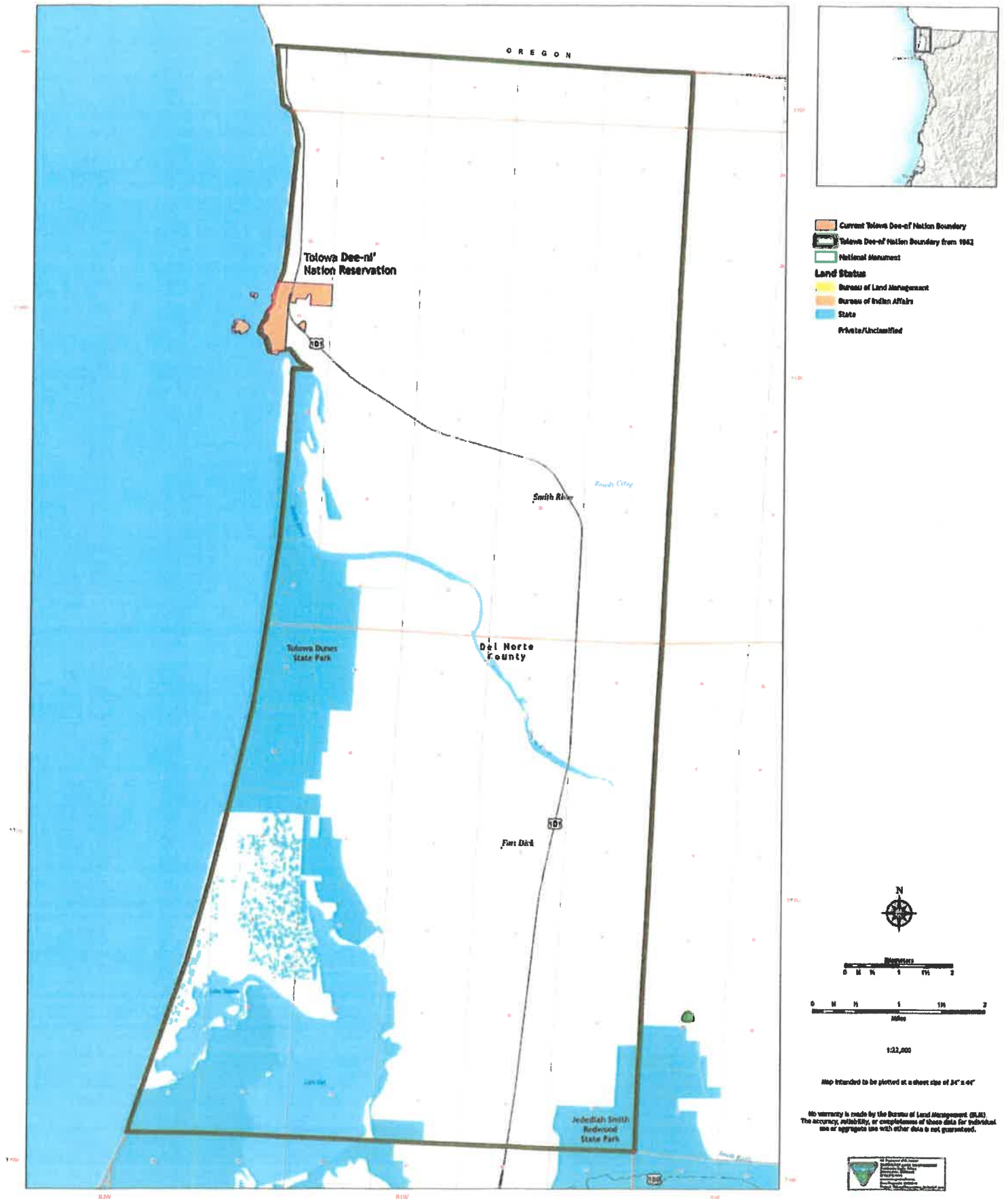
11 **SEC. 6. NO LIMITATION ON EXISTING RIGHTS.**

12 Nothing in this Act shall affect any existing right of
13 any other federally recognized Indian Tribe within the
14 area depicted on the map titled “Watersheds of Historical
15 Significance to the Tolowa Dee-ni’ Nation” and dated
16 _____.

1862 Smith River Reservation known as the Tolowa Dee-ni' Nation Reservation

February 13, 2018

This map prepared at the request of Representative Jared Huffman



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