

106TH CONGRESS
1ST SESSION

H. R. 3412

To provide for and approve the settlement of certain land claims of the Bay Mills Indian Community and the Sault Ste. Marie Tribe of Chippewa Indians.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 1999

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

A BILL

To provide for and approve the settlement of certain land claims of the Bay Mills Indian Community and the Sault Ste. Marie Tribe of Chippewa Indians.

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 “Charlotte Beach Land
5 Claims Settlement Act”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) the Bay Mills Indian Community has a
9 valid interest in certain lands in the Charlotte Beach

1 area of Chippewa County, Michigan, that are located
2 within the Community's traditional homelands;

3 (2) The Sault Ste. Marie Tribe may have a
4 valid interest in certain lands in the Charlotte Beach
5 area of Chippewa County, Michigan, that are located
6 within the Tribe's traditional homelands;

7 (3) the Community filed a lawsuit against cer-
8 tain landowners to ascertain ownership of lands that
9 were once owned and held in trust by the State of
10 Michigan for the Community but which were sold by
11 the State without the consent of the Tribes or the
12 United States;

13 (4) the landowners now hold clouded title to
14 such lands and want to clear their title to the lands;

15 (5) the Community has agreed to relinquish its
16 interests in the Charlotte Beach Lands in return for
17 its selection of Alternative Lands that will be taken
18 into trust by the Secretary;

19 (6) the Sault Ste. Marie Tribe has agreed not
20 to assert its potential claim of interest in the Char-
21 lotte Beach Lands in return for its selection of Al-
22 ternative Lands that will be taken into trust by the
23 Secretary;

24 (7) it is in the best interests of the Tribes and
25 legally necessary for the landowners that the Con-

1 gress provide for a land settlement agreement by
2 passage of this Act; and

3 (8) it is in the best interests of the Tribes that
4 the described Alternative Lands be taken into trust
5 as part of the settlement of the land claim.

6 (b) PURPOSES.—The purposes of this Act are—

7 (1) to settle the land claims of the Tribes
8 against the landowners; and

9 (2) to direct the Secretary to take into trust for
10 the benefit of the Tribes the Alternative Lands in
11 settlement of the Tribes' land claims.

12 **SEC. 3. DEFINITIONS.**

13 For purposes of this Act, the following definitions
14 apply:

15 (1) ALTERNATIVE LANDS.—The term “Alter-
16 native Lands” means the following:

17 (A) The lands chosen and acquired by the
18 Community for transfer to the United States to
19 be held in trust for the Community as part of
20 the settlement of the claims of the Community
21 to the Charlotte Beach Lands. These Alter-
22 native Lands, comprising 21.55 acres, more or
23 less, are located in Vanderbilt, Michigan, and
24 are more particularly described in the Commu-
25 nity's March 1999 Trust and Reservation Ac-

1 quisition Request submitted to the Minneapolis
2 Office of the Bureau of Indian Affairs.

3 (B) The lands chosen and acquired by the
4 Sault Tribe for transfer to the United States in
5 trust for the Sault Tribe as a part of the settle-
6 ment of the potential claims of the Sault Tribe
7 to the Charlotte Beach Lands.

8 (2) CHARLOTTE BEACH LANDS.—The term
9 “Charlotte Beach Lands” means those lands in the
10 Charlotte Beach area of Michigan and described as
11 follows: Government Lots 1, 2, 3, and 4 of section
12 7, T45N, R2E, and Lot 1 of section 18, T45N,
13 R2E, Chippewa County, State of Michigan.

14 (3) COMMUNITY.—The term “Community”
15 means the Bay Mills Indian Community, a federally
16 recognized Indian tribe.

17 (4) SAULT TRIBE.—The term “Sault Tribe”
18 means the Sault Ste. Marie Tribe of Chippewa Indi-
19 ans, a federally recognized Indian tribe.

20 (5) SECRETARY.—The term “Secretary” means
21 the Secretary of the Interior.

22 (6) TRIBES.—The term “Tribes” means the
23 Community and the Sault Tribe.

1 **SEC. 4. ACCEPTANCE OF ALTERNATIVE LANDS.**

2 (a) BY THE COMMUNITY.—Upon relinquishment by
3 the Community of any and all claims to the Charlotte
4 Beach Lands and dismissal with prejudice of Bay Mills
5 Indian Community v. Western Life Assurance Company
6 et al., Case No. 2:96–CV–275, United States District
7 Court for the Western District of Michigan-Northern Divi-
8 sion and Bay Mills Indian Community v. State of Michi-
9 gan et al., Michigan Court of Claims, File No. 96–16482–
10 CM—

11 (1) the Secretary shall take the Alternative
12 Lands described in section 3(1)(A) into trust for the
13 benefit of the Community as part of the settlement
14 of the Community’s claims to the Charlotte Beach
15 Lands; and

16 (2) the Alternative Lands described in section
17 3(1)(A) shall become part of the Community’s res-
18 ervation.

19 (b) BY THE SAULT TRIBE.—The Secretary shall take
20 the Alternative Lands described in section 3(1)(B) into
21 trust for the benefit of the Sault Tribe as settlement of
22 the Sault Tribe’s claims to the Charlotte Beach Lands.
23 Upon the taking of the Alternative Lands into trust, any
24 and all potential claims of the Sault Tribe in and to the
25 Charlotte Beach Lands shall be relinquished and extin-

1 guished thereby, and the lands taken into trust shall be-
2 come part of the Sault Tribe's reservation.

3 (c) SETTLEMENT OF LAND CLAIMS.—The Alter-
4 native Lands are taken into trust as provided in this sec-
5 tion as part of the settlement of land claims of the Tribes
6 within the meaning of section 20(b)(1)(B)(i) of Public
7 Law 100–497.

8 **SEC. 5. EXTINGUISHMENT OF TITLE AND CLAIMS.**

9 (a) APPROVAL AND RATIFICATION OF PRIOR TRANS-
10 FERS.—Any transfer, before the date of the enactment of
11 this Act, of land or natural resources located within the
12 boundaries of the Charlotte Beach Lands from, by, or on
13 behalf of any Indian, Indian nation, or tribe or band of
14 Indians (including the 2 bands of the Sault Ste. Marie
15 Ottawa and Chippewa Indians of Michigan of which O-
16 shaw-wan-no and Sha-wan were chiefs) or any member
17 thereof, shall be deemed to have been made in accordance
18 with the Constitution and all laws of the United States,
19 including without limitation, the Trade and Intercourse
20 Act of 1790, Act of July 22, 1790 (ch. 33, sec. 4; 1 Stat.
21 137), and Congress hereby does approve and ratify such
22 transfers effective as of the date of such transfers.

23 (b) ABORIGINAL TITLE EXTINGUISHED.—

24 (1) IN GENERAL.—Except as provided by para-
25 graph (2), any aboriginal title held by any Indian,

1 Indian nation, or tribe or band of Indians (including
2 the 2 bands of the Sault Ste. Marie Ottawa and
3 Chippewa Indians of Michigan of which O-shaw-
4 wan-no and Sha-wan were chiefs and their members)
5 to any land or natural resources, the transfer of
6 which was approved and ratified by subsection (a),
7 shall be regarded as extinguished as of the date of
8 such transfer.

9 (2) THE TRIBES.—To the extent that the Char-
10 lotte Beach Lands involve land or natural resources
11 to which the Tribes had aboriginal title, relinquish-
12 ment by the Tribes under section 4 shall be regarded
13 as an extinguishment of such aboriginal title.

14 (c) EXTINGUISHMENT OF CLAIMS.—

15 (1) IN GENERAL.—Except as provided by para-
16 graph (2), any claim (including any claim for dam-
17 ages for trespass, use, or occupancy) by, or on be-
18 half of, any member of any Indian, Indian nation,
19 or tribe or band of Indians (including the 2 bands
20 of the Sault Ste. Marie Ottawa and Chippewa Indi-
21 ans of Michigan of which O-shaw-wan-no and Sha-
22 wan were chiefs) or any member thereof against the
23 United States, any State or subdivision thereof or
24 any other person which is based on—

1 (A) any interest in or right involving any
2 land or natural resources of which was ap-
3 proved and ratified by subsection (a), or

4 (B) any aboriginal title to land or natural
5 resources the extinguishment of which was ef-
6 fectuated by subsection (b),

7 shall be regarded as extinguished as of the date of any
8 such transfer.

9 (2) THE TRIBES.—All claims of the Tribes
10 against the United States, the State of Michigan, or
11 any other person or entity based on claims to the
12 Charlotte Beach Lands (including without limita-
13 tion, claims for trespass damages, use, or occu-
14 pancy) shall be deemed to have been extinguished as
15 of the date of relinquishment by the Tribes under
16 section 4.

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