

111TH CONGRESS
1ST SESSION

S. 443

To transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 2009

Mrs. MURRAY (for herself and Ms. CANTWELL) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, 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 “Hoh Indian Tribe Safe
5 Homelands Act”.

6 **SEC. 2. FINDINGS.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) The Hoh Indian Reservation, located along
9 the Hoh River and the Pacific Ocean in a remote

1 section of Jefferson County, Washington, is the
2 homeland of the Hoh Indian Tribe, a federally rec-
3 ognized Indian tribe.

4 (2) Established by Executive Order in 1893,
5 the Reservation is approximately one square mile,
6 but its habitable acreage has been reduced over time
7 due to storm surges, repeated flooding and erosion,
8 and lack of river dredging.

9 (3) Due to its location along the river and
10 ocean and frequent torrential rains, 90 percent of
11 the Reservation is located within a flood zone and,
12 in fact, has flooded repeatedly over the last five
13 years. In addition, 100 percent of the Reservation is
14 within a tsunami zone, leaving most of the Reserva-
15 tion unfit for safe occupation.

16 (4) The Tribe has repeatedly suffered from seri-
17 ous flood and wind damage to homes, tribal build-
18 ings, and utility infrastructure that have caused sig-
19 nificant damage and resulted in critical safety and
20 environmental hazards.

21 (5) Federal agencies such as the Bureau of In-
22 dian Affairs, the Department of Housing and Urban
23 Development, and the Federal Emergency Manage-
24 ment Agency have limited authority to assist the
25 Tribe with housing and other improvements and

1 services due to the dangerous and unsustainable lo-
2 cation of the Reservation.

3 (6) The Tribe has purchased from private own-
4 ers near the Reservation approximately 260 acres of
5 land in order to move key infrastructure out of the
6 flood zone.

7 (7) In addition, the State of Washington’s De-
8 partment of Natural Resources has transferred own-
9 ership of 160 acres of land to the Tribe.

10 (8) An approximately 37 acre parcel of logged
11 land, administered by the National Park Service, lies
12 between the current Reservation land and those
13 lands acquired by the Tribe, and the only road ac-
14 cessing the Reservation crosses this parcel.

15 (9) Together, the lands described in paragraphs
16 6, 7, and 8 would constitute a contiguous parcel for
17 the Reservation and would create a safe area for
18 members of the Tribe to live and rebuild their com-
19 munity.

20 **SEC. 3. DEFINITIONS.**

21 For the purposes of this Act—

22 (1) the term “Federal land” mean the Federal
23 lands described in section 4(c)(2);

24 (2) the term “Reservation” means the reserva-
25 tion of the Hoh Indian Tribe;

1 (3) the term “Secretary” means the Secretary
2 of the Interior; and

3 (4) the term “Tribe” means the Hoh Indian
4 Tribe, a federally recognized Indian tribe.

5 **SEC. 4. TRANSFER OF LANDS TO BE HELD IN TRUST AS**
6 **PART OF THE TRIBE’S RESERVATION; PLACE-**
7 **MENT OF OTHER LAND INTO TRUST.**

8 (a) IN GENERAL.—The Secretary shall transfer to
9 the Tribe all right, title, and interest of the United States
10 in and to the Federal land. Such land shall be held in
11 trust by the United States for the benefit of the Tribe.
12 Such land shall be excluded from the boundaries of Olym-
13 pic National Park. At the request of the Tribe, at the time
14 of transfer of the Federal land, the Secretary shall also
15 place into trust for the benefit of the Tribe the non-Fed-
16 eral land owned by the Tribe and described in subsection
17 (c)(1).

18 (b) RESERVATION.—Land taken into trust for the
19 Tribe pursuant to subsection (a) shall be part of the Res-
20 ervation

21 (c) DESCRIPTION OF LANDS.—The land to be trans-
22 ferred and held in trust under subsection (a) is the land
23 generally depicted on the map titled “H.R. _____ Hoh
24 Indian Tribe Safe Homelands Act”, and dated
25 _____ and further described as—

1 (1) the non-Federal land owned by the Hoh
2 Tribe; and

3 (2) the Federal land administered by the Na-
4 tional Park Service, located in Section 20, Township
5 26N, Range 13W, W.M. South of the Hoh River.

6 (d) AVAILABILITY OF MAP.—Not later than 120 days
7 after the completion of the land transfer of Federal land
8 under this section, the Secretary shall make the map avail-
9 able to the appropriate agency officials and congressional
10 committees. The map shall be available for public inspec-
11 tion in the appropriate offices of the Secretary.

12 (e) CONGRESSIONAL INTENT.—It is the intent of
13 Congress that—

14 (1) the condition of the Federal land at the
15 time of the transfer under this section should be pre-
16 served and protected;

17 (2) that the natural environment existing on
18 the Federal land at the time of the transfer under
19 this section should not be altered, except as de-
20 scribed in this Act; and

21 (3) the Tribe and the National Park Service
22 shall work cooperatively on issues of mutual concern
23 related to this Act.

1 **SEC. 5. PRESERVATION OF EXISTING CONDITION OF FED-**
2 **ERAL LAND; TERMS OF CONSERVATION AND**
3 **USE IN CONNECTION WITH LAND TRANSFER.**

4 (a) RESTRICTIONS ON USE.—The use of the Federal
5 land transferred pursuant to section 4 is subject to the
6 following conditions:

7 (1) No commercial, residential, industrial, or
8 other buildings or structures shall be placed on the
9 Federal land being transferred and placed into trust.
10 The existing road may be maintained or improved,
11 but no major improvements or road construction
12 shall occur on the lands.

13 (2) In order to maintain its use as a natural
14 wildlife corridor and to provide for protection of ex-
15 isting resources, no logging or hunting shall be al-
16 lowed on the land.

17 (3) The Tribe may authorize tribal members to
18 engage in ceremonial and other treaty uses of these
19 lands and existing tribal treaty rights are not dimin-
20 ished by this Act.

21 (4) The Tribe shall survey the boundaries of
22 the Federal land and submit the survey to the Na-
23 tional Park Service for review and concurrence.

24 (b) COOPERATIVE EFFORTS.—Congress urges the
25 Secretary and the Tribe to enter into written agreements
26 on the following:

1 (1) Upon completion of the Tribe's proposed
2 emergency fire response building, Congress urges the
3 parties to work toward mutual aid agreements.

4 (2) The National Park Service and the Tribe
5 shall work collaboratively to provide opportunities
6 for the public to learn more about the culture and
7 traditions of the Tribe.

8 (3) The land may be used for the development
9 of a multi-purpose, non-motorized trail from High-
10 way 101 to the Pacific Ocean. The parties agree to
11 work cooperatively in the development and place-
12 ment of such trail.

13 **SEC. 6. HOH INDIAN RESERVATION.**

14 All lands taken into trust by the United States under
15 this Act shall be a part of the Hoh Indian Reservation.

16 **SEC. 7. GAMING PROHIBITION.**

17 No land taken into trust for the benefit of the Hoh
18 Indian Tribe under this Act shall be considered Indian
19 lands for the purpose of the Indian Gaming Regulatory
20 Act (25 U.S.C. 2701 et seq.).

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