

112TH CONGRESS
2^D SESSION

H. R. 1162

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2012

Received

AN ACT

To provide the Quileute Indian Tribe Tsunami and Flood
Protection, 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,*

1 **SECTION 1. OLYMPIC NATIONAL PARK—QUILEUTE TRIBE.**

2 (a) DEFINITIONS.—In this section:

3 (1) MAP.—The term “Map” means the map en-
4 titled “Olympic National Park and Quileute Res-
5 ervation Boundary Adjustment Map”, numbered
6 149/80,059, and dated June 2010.

7 (2) PARK.—The term “Park” means the Olym-
8 pic National Park, located in the State of Wash-
9 ington.

10 (3) RESERVATION.—The term “Reservation”
11 means the Quileute Indian Reservation, located on
12 the Olympic Peninsula in the State of Washington.

13 (4) SECRETARY.—The term “Secretary” means
14 the Secretary of the Interior.

15 (5) TRIBE.—The term “Tribe” means the
16 Quileute Indian Tribe in the State of Washington.

17 (b) FINDINGS AND PURPOSE.—

18 (1) FINDINGS.—Congress finds that—

19 (A) the Reservation is located on the west-
20 ern coast of the Olympic Peninsula in the State
21 of Washington, bordered by the Pacific Ocean
22 to the west and the Park on the north, south,
23 and east;

24 (B) most of the Reservation village of La
25 Push is located within the coastal flood plain,
26 with the Tribe’s administrative buildings,

1 school, elder center, and housing all located in
2 a tsunami zone;

3 (C) for many decades, the Tribe and the
4 Park have had a dispute over the Reservation
5 boundaries along the Quillayute River;

6 (D) in recent years, this dispute has inten-
7 sified as the Tribe has faced an urgent need for
8 additional lands for housing, schools, and other
9 Tribe purposes outside the tsunami and
10 Quillayute River flood zones; and

11 (E) the lack of a settlement of this dispute
12 threatens to adversely impact the public's exist-
13 ing and future recreational use of several at-
14 tractions in the Park that are accessed by the
15 public's use of Reservation lands.

16 (2) PURPOSES.—The purposes of this Act
17 are—

18 (A) to resolve the longstanding dispute
19 along portions of the northern boundary of the
20 Quileute Indian Reservation;

21 (B) to clarify public use and access to
22 Olympic National Park lands that are contig-
23 uous to the Reservation;

24 (C) to provide the Quileute Indian Tribe
25 with approximately 275 acres of land currently

1 located within the Park and approximately 510
2 acres of land along the Quillayute River, also
3 within the Park;

4 (D) to adjust the wilderness boundaries to
5 provide the Quileute Indian Tribe Tsunami and
6 flood protection; and

7 (E) through the land conveyance, to grant
8 the Tribe access to land outside of tsunami and
9 Quillayute River flood zones, and link existing
10 Reservation land with Tribe land to the east of
11 the Park.

12 (c) REDESIGNATION OF FEDERAL WILDERNESS
13 LAND, OLYMPIC NATIONAL PARK CONVEYANCE.—

14 (1) REDESIGNATION OF WILDERNESS.—Certain
15 Federal land in the Park that was designated as
16 part of the Olympic Wilderness under title I of the
17 Washington Park Wilderness Act of 1988 (Public
18 Law 100–668; 102 Stat. 3961; 16 U.S.C. 1132
19 note) and comprises approximately 222 acres, as
20 generally depicted on the Map is hereby no longer
21 designated as wilderness, and is no longer a compo-
22 nent of the National Wilderness Preservation Sys-
23 tem under the Wilderness Act (16 U.S.C. 1131 et
24 seq.).

1 (2) LANDS TO BE HELD IN TRUST.—All right,
2 title, and interest of the United States in and to the
3 approximately 510 acres generally depicted on the
4 Map as “Northern Lands”, and the approximately
5 275 acres generally depicted on the Map as “South-
6 ern Lands”, are declared to be held in trust by the
7 United States for the benefit of the Tribe without
8 any further action by the Secretary.

9 (3) BOUNDARY ADJUSTMENT; SURVEY.—The
10 Secretary shall—

11 (A) adjust the boundaries of Olympic Wil-
12 derness and the Park to reflect the change in
13 status of Federal lands under paragraph (2);
14 and

15 (B) as soon as practicable after the date of
16 enactment of this section, conduct a survey, de-
17 fining the boundaries of the Reservation and
18 Park, and of the Federal lands taken into and
19 held in trust that are adjacent to the north and
20 south bank of the Quillayute River as depicted
21 on the Map as “Northern Lands”.

22 (4) LAW APPLICABLE TO CERTAIN LAND.—The
23 land taken into trust under this subsection shall not
24 be subject to any requirements for valuation, ap-
25 praisal, or equalization under any Federal law.

1 (d) NON-FEDERAL LAND CONVEYANCE.—Upon com-
2 pletion and acceptance of an environmental hazard assess-
3 ment, the Secretary shall take into trust for the benefit
4 of the Tribe certain non-Federal land owned by the Tribe,
5 consisting of approximately 184 acres, as depicted on the
6 Map as “Eastern Lands”, such non-Federal land shall be
7 designated as part of the Reservation.

8 (e) MAP REQUIREMENTS.—

9 (1) AVAILABILITY OF INITIAL MAP.—The Sec-
10 retary shall make the Map available for public in-
11 spection in appropriate offices of the National Park
12 Service. The Map shall also depict any non-Federal
13 land currently owned by the Tribe which is being
14 placed in trust under this section.

15 (2) REVISED MAP.—Not later than one year
16 after the date of the land transaction in subsections
17 (d) and (e), the Secretary shall submit to the Com-
18 mittee on Energy and Natural Resources of the Sen-
19 ate and Committee on Natural Resources of the
20 House of Representatives a revised map that de-
21 picts—

22 (A) the Federal and non-Federal land
23 taken into trust under this section and the Sec-
24 ond Beach Trail; and

1 (B) the actual boundaries of the Park as
2 modified by the land conveyance.

3 (f) JURISDICTION.—The land conveyed to the Tribe
4 by this section shall be designated as part of the Quileute
5 Reservation and placed in the following jurisdictions:

6 (1) TRUST LAND.—The same Federal, State,
7 and Tribe jurisdiction as on all other trust lands
8 within the Reservation, so long as the exercise of
9 such jurisdiction does not conflict with the terms of
10 the easement described in subsection (g) below.

11 (2) TRIBE JURISDICTION.—Park visitors shall
12 remain subject to the jurisdiction of the Tribe while
13 on the Second Beach parking lot, on those portions
14 of the Second Beach Trail on the Reservation, and
15 Rialto Spit, to the same extent that such visitors are
16 subject to the Tribe’s jurisdiction elsewhere on the
17 Reservation.

18 (g) GRANT OF EASEMENT IN CONNECTION WITH
19 LAND CONVEYANCE.—

20 (1) EASEMENT REQUIRED.—The conveyances
21 under subsection (c)(2) shall be subject to the condi-
22 tions described in this subsection.

23 (2) REQUIRED RIGHTS UNDER EASEMENT.—
24 Any easement granted under this subsection must
25 contain the following express terms:

1 (A) NO IMPACT ON EXISTING RIGHTS.—An
2 easement shall not limit the Tribe’s treaty
3 rights or other existing rights.

4 (B) RETENTION OF RIGHTS.—The Tribe
5 retains the right to enforce its rules against
6 visitors for disorderly conduct, drug and alcohol
7 use, use or possession of firearms, and other
8 disruptive behaviors.

9 (C) MONITORING OF EASEMENT CONDI-
10 TIONS.—The Park has the right, with prior no-
11 tice to the Tribe, to access lands conveyed to
12 the Tribe for purposes of monitoring compli-
13 ance with any easement made under this sub-
14 section.

15 (3) EXEMPTION FOR SUBSECTION (d) LAND.—
16 The non-Federal land owned by the Tribe and being
17 placed into trust by the Secretary in accordance with
18 subsection (d) shall not be included in, or subject to,
19 any easement or condition specified in this sub-
20 section.

21 (4) REQUIRED TERMS AND CONDITIONS.—The
22 following specified land areas shall be subject to the
23 following easement conditions:

24 (A) CONDITIONS ON NORTHERN LAND.—
25 Certain land that will be added to the northern

1 boundary of the Reservation by the land con-
2 veyance, from Rialto Beach to the east line of
3 Section 23, shall be subject to an easement,
4 which shall contain the following requirements:

5 (i) The Tribe may lease or encumber
6 the land, consistent with their status as
7 trust lands, provided that the Tribe ex-
8 pressly subjects the conveyance or author-
9 ized use to the terms of the easement.

10 (ii) The Tribe may place temporary,
11 seasonal camps on the land, but shall not
12 place or construct commercial residential,
13 industrial, or other permanent buildings or
14 structures.

15 (iii) Roads on the land on the date of
16 enactment of this Act may be maintained
17 or improved, but no major improvements
18 or road construction may occur, and any
19 road improvements, temporary camps, or
20 other uses of these lands shall not interfere
21 with its use as a natural wildlife corridor.

22 (iv) The Tribe may authorize Tribe
23 members and third parties to engage in
24 recreational, ceremonial, or treaty uses of
25 the land provided that the Tribe adopts

1 and enforces regulations permanently pro-
2 hibiting the use of firearms in the Thunder
3 Field area, and any areas south of the
4 Quillayute River as depicted on the Map.

5 (v) The Tribe may exercise its sov-
6 ereign right to fish and gather along the
7 Quillayute River in the Thunder Field
8 area.

9 (vi) The Tribe may, consistent with
10 any applicable Federal law, engage in ac-
11 tivities reasonably related to the restora-
12 tion and protection of the Quillayute River
13 and its tributaries and streams, weed con-
14 trol, fish and wildlife habitat improvement,
15 Quillayute River or streambank stabiliza-
16 tion, and flood control. The Tribe and the
17 Park shall conduct joint planning and co-
18 ordination for Quillayute River restoration
19 projects, including streambank stabilization
20 and flood control.

21 (vii) Park officials and visitors shall
22 have access to engage in activities along
23 and in the Quillayute River and Dickey
24 River that are consistent with past rec-
25 reational uses, and the Tribe shall allow

1 the public to use and access the Dickey
2 River, and Quillayute River along the
3 north bank, regardless of future changes in
4 the Quillayute River or Dickey River align-
5 ment.

6 (viii) Park officials and visitors shall
7 have access to, and shall be allowed to en-
8 gage in, activities on Tribal lands at Rialto
9 Spit that are consistent with past rec-
10 reational uses, and the Tribe shall have ac-
11 cess to Park lands at Rialto Beach so that
12 the Tribe may access and use the jetty at
13 Rialto Beach.

14 (B) CONDITIONS ON SECOND BEACH TRAIL
15 AND ACCESS.—Certain Quileute Reservation
16 land along the boundary between the Park and
17 the southern portion of the Reservation, encom-
18 passing the Second Beach trailhead, parking
19 area, and Second Beach Trail, shall be subject
20 to a conservation and management easement,
21 as well as any other necessary agreements,
22 which shall implement the following provisions:

23 (i) The Tribe shall allow Park officials
24 and visitors to park motor vehicles at the
25 Trail parking area existing on the date of

1 enactment of this Act and to access the
2 portion of the Trail located on Tribal
3 lands, and the Park shall be responsible
4 for the costs of maintaining existing park-
5 ing access to the Trail.

6 (ii) The Tribe shall grant Park offi-
7 cials and visitors the right to peacefully
8 use and maintain the portion of the Trail
9 that is on Tribal lands, and the Park shall
10 be responsible for maintaining the Trail
11 and shall seek advance written approval
12 from the Tribe before undertaking any
13 major Trail repairs.

14 (iii) The Park officials and the Tribe
15 shall conduct joint planning and coordina-
16 tion regarding any proposed relocation of
17 the Second Beach trailhead, the parking
18 lot, or other portions of the Trail.

19 (iv) The Tribe shall avoid altering the
20 forested landscape of the Tribe-owned
21 headlands between First and Second
22 Beach in a manner that would adversely
23 impact or diminish the aesthetic and nat-
24 ural experience of users of the Trail.

1 (v) The Tribe shall reserve the right
2 to make improvements or undertake activi-
3 ties at the Second Beach headlands that
4 are reasonably related to enhancing fish
5 habitat, improving or maintaining the
6 Tribe's hatchery program, or alterations
7 that are reasonably related to the protec-
8 tion of the health and safety of Tribe
9 members and the general public.

10 (vi) The Park officials, after consulta-
11 tion with the Tribe, may remove hazardous
12 or fallen trees on the Tribal-owned Second
13 Beach headlands to the extent necessary to
14 clear or safeguard the Trail, provided that
15 such trees are not removed from Tribal
16 lands.

17 (vii) The Park officials and the Tribe
18 shall negotiate an agreement for the de-
19 sign, location, construction, and mainte-
20 nance of a gathering structure in the Sec-
21 ond Beach headlands overlook for the ben-
22 efit of Park visitors and the Tribe, if such
23 a structure is proposed to be built.

24 (C) SOUTHERN LANDS EXEMPT.—All other
25 land conveyed to the Tribe along the southern

1 boundary of the Reservation under this section
2 shall not be subject to any easements or condi-
3 tions, and the natural conditions of such land
4 may be altered to allow for the relocation of
5 Tribe members and structures outside the tsu-
6 nami and Quillayute River flood zones.

7 (D) PROTECTION OF INFRASTRUCTURE.—
8 Nothing in this Act is intended to require the
9 modification of the parklands and resources ad-
10 jacent to the transferred Federal lands. The
11 Tribe shall be responsible for developing its
12 lands in a manner that reasonably protects its
13 property and facilities from adjacent parklands
14 by locating buildings and facilities an adequate
15 distance from parklands to prevent damage to
16 these facilities from such threats as hazardous
17 trees and wildfire.

18 (h) EFFECT OF LAND CONVEYANCE ON CLAIMS.—

19 (1) CLAIMS EXTINGUISHED.—Upon the date of
20 the land conveyances under subsections (d) and (e)
21 and the placement of conveyed lands into trust for
22 the benefit of the Tribe, any claims of the Tribe
23 against the United States, the Secretary, or the
24 Park relating to the Park's past or present owner-
25 ship, entry, use, surveys, or other activities are

1 deemed fully satisfied and extinguished upon a for-
2 mal Tribal Council resolution, including claims re-
3 lated to the following:

4 (A) LAND ALONG QUILLAYUTE RIVER.—

5 The lands along the sections of the Quillayute
6 River, starting east of the existing Rialto Beach
7 parking lot to the east line of Section 22.

8 (B) SECOND BEACH.—The portions of the
9 Federal or Tribal lands near Second Beach.

10 (C) SOUTHERN BOUNDARY PORTIONS.—

11 Portions of the Federal or Tribal lands on the
12 southern boundary of the Reservation.

13 (2) RIALTO BEACH.—Nothing in this section
14 shall create or extinguish claims of the Tribe relat-
15 ing to Rialto Beach.

16 (i) GAMING PROHIBITION.—No land taken into trust
17 for the benefit of the Tribe under this Act shall be consid-
18 ered Indian lands for the purpose of the Indian Gaming
19 Regulatory Act (25 U.S.C. 2701 et seq.).

Passed the House of Representatives February 6,
2012.

Attest:

KAREN L. HAAS,

Clerk.