



Hoopa Valley Tribal Council
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Hoopa, CA 95546

Yurok Tribal Council
PO Box 1027
Klamath, CA 95548

12/03/03

**Proposed Amendments to the Hoopa-Yurok Settlement Act
Developed jointly by the Hoopa Valley Tribe and the Yurok
Tribe in Formal Mediation**

Title I. YUROK

Section A. Lands.

1. Notwithstanding any provision of law, there is hereby authorized from the Bureau of Indian Affairs of the \$2,500,000 previously appropriated under Pub. L. 100-580 such amounts as may be necessary for use in conducting purchase, appraisals, surveys, and other requirements needed to acquire privately owned lands, excluding lands within the boundaries of the Hoopa Valley Reservation.

2. Within one year of enactment, the Secretaries of the Department of Interior and Agriculture shall identify 238,433 acres of federal and private lands and the Yurok Tribe and the United States shall from these lands mutually determine an adequate land base for the Yurok Tribe and shall transfer such land base, including the acquisition of private lands from willing owners, by land trade or purchase, to the Yurok Tribe and to adjust the Yurok Reservation boundaries to reflect such transfer. Such Reservation shall be identified from 67,564 acres of private lands, 155,210 acres of USFS lands, 300 acres of BLM, 13,647 acres of other lands and 1,712 acres of RNPS lands. Within the identified lands 46,080 acres shall be set aside as cultural districts protected from all management activities not consistent with the religious and ceremonial interests of the Yurok Tribe. The purposes of this subsection are to establish a land base for the Yurok Tribe that is economically viable for commercial timber harvest of approximately 11,000,000 board feet annually on a sustained yield basis, and to meet the subsistence and other cultural needs of the Yurok Tribe. All land acquired by trade or by direct transfer shall be held in trust.

3. As part of subsection A (2) above, there is hereby transferred to the Yurok tribe in trust all federal lands within the Yurok Reservation established under the Act

that are now under the jurisdiction of the National Park Service, Forest Service and/or Bureau of Land Management. These lands are included in the acreage described in subsection 2, above.

4. The U.S. Court of Federal Claims is authorized to hear and determine all claims of the Yurok Indian Tribe and its members arising from the loss of lands from Indian ownership, sold, homesteaded or otherwise lost without the consent of the tribe, from the Klamath River Reservation or Connecting Strip. The statute of limitations is expressly waived.

Section B. Jurisdiction.

1. Notwithstanding Pub. L. 83-280, federal law enforcement and tribal court funds and programs shall be made available to the Yurok and Hoopa Valley Tribes on the same basis as they are available to tribes located in non-Pub. L. 83-280 States. There is hereby authorized to be appropriated not less than \$1,000,000 annually for Yurok Tribal Court and law enforcement programs to be provided in the Department of Justice or Bureau of Indian Affairs budgets.

2. The authority of the Yurok Tribe over the territories as provided in the Constitution of the Yurok Tribe as of the date of enactment of this Act are ratified and confirmed on the same basis as such provisions of the Hoopa Valley Tribe's Constitution were ratified in Section 8 of Pub. L. 100-580, insofar as it relates to the jurisdiction of the Yurok Tribe over persons and lands within the boundaries of the Yurok Reservation.

3. The Secretaries of the Departments of Interior and Agriculture shall enter into stewardship agreements with the Yurok Tribe with respect to management of Klamath River Basin fisheries and water resources. Nothing herein shall be interpreted as providing the Yurok Tribe with any jurisdiction within the Hoopa Valley Reservation.

4. There is hereby granted co-management of all natural resources, sacred and cultural sites of the Yurok Tribe within its usual and accustomed places within Yurok aboriginal territories that are on lands remaining under the jurisdiction of the National Park Service, Forest Service and/or Bureau of Land management. Co-management shall be defined as joint decision making responsibility regarding subject resources requiring concurrence of the Tribe.

5. There is hereby granted access for subsistence hunting, fishing, and gathering rights for members of the Yurok Tribe over all lands within its aboriginal territory that remain under the jurisdiction of the Yurok Tribe, National Park Service, Forest Service and/or Bureau of Land Management. All subsistence related activities shall be conducted pursuant to proper management plans developed by the Yurok Tribe.

Section C. Base Funding.

There is hereby authorized to be appropriated from New Tribes Funding an adjustment in the base funding for the Yurok Tribe based upon the actual enrollment of the Yurok Tribe at the time of the enactment of this Amendment.

Section D. Yurok Infrastructure Development.

There is hereby authorized to be appropriated from existing appropriations as they may be made, from year to year:

1. \$20,000,000 for the upgrade and construction of BIA and tribal roads on the Yurok Reservation;
2. \$500,000 per year for the operation of a road maintenance program for the Yurok Tribe;
3. \$3,500,000 is authorized to be appropriated as a one time cost for purchase of equipment and supplies for the Yurok Tribe road maintenance program;
4. \$7,600,000 for the electrification of the Yurok Reservation;
5. \$2,500,000 for telecommunication needs on the Yurok Reservation;
6. \$18,000,000 for the improvement and development of water and wastewater treatment systems on the Yurok Reservation;
7. \$6,000,000 for a residential care, drug and alcohol rehabilitation and recreational complex near Weitchpec;
8. \$7,000,000 for the building of a Cultural Center for the Yurok Tribe;
9. \$4,000,000 for a Tribal Court, Law Enforcement and detention facility in Klamath;
10. \$10,000,000 for the construction of 50 homes for Yurok Tribe elders.
11. \$3,200,000 for the development and initial start up cost for a Yurok School District;
12. \$800,000 to supplement Yurok Tribe higher education need.

Congress recognizes the unsafe and inadequate condition of roads and major transportation routes on and to the Yurok Reservation. As such, the Congress identifies a priority that these transportation systems be upgraded and brought up to the same standards as transportation systems throughout the State of California.

Section E. Yurok Economic Development

There is hereby authorized to be appropriated from existing appropriations as they may be made, from year to year, from the Departments of HUD, Commerce, and Agriculture:

1. \$20,000,000 for the construction and associated costs required to build an eco lodge;
2. \$1,500,000 for the purchase of equipment to start a gravel operation;
3. \$6,000,000 for the purchase and improvement of RV and fishing resorts

on the Yurok Reservation.

Section F. BLM Lands

Certain BLM lands within Yurok aboriginal territory are hereby transferred to the Yurok Tribe, to wit: T.9N., R.4E, HUM, Section 1, T.9N., R.4E, Section 7, T.9N., R.4E., Section 8, Lot 3, T.9N., R.4E., Section 9, Lots 19&20, T.9N.,R.4E., Section 17, Lots 3-6, T.9N., R4E., Section 18, Lots 7&10, T.9N., R.3E., Section 13, Lots 8&12, T.9N., R3E, Section 14, Lot 6.

Certain BLM lands along the western boundaries of the Hoopa Valley Reservation are hereby transferred to the Hoopa Valley Tribe, to wit: T.9N, R.3E., Section 23, Lots 7&8, T.9N., R.3E., Section 26, Lots 1-3, T.7N., R.3E., Section 7, Lots 1&6, Section 1.

Title III. Hoopa-Yurok Settlement Act Provisions

Section A. Within one year and ninety days following enactment of this Amendment, the Secretary of the Interior, in consultation with Secretary of Agriculture relative to the establishment of an adequate land base, shall prepare and submit to the Congress a report describing the establishment of an adequate land base for the Yurok Tribe and implementation of Title I of this amendment. The report shall also describe: the sources of funds remaining in the Settlement Fund, including the statutory authority for such deposits and the activities, including environmental consequences, if any, which gave rise to such deposits; disbursements from such deposits; the provision of resources, Reservation lands, trust lands, and income producing assets including, to the extent available (including data provided by the Tribes) the environmental condition of such lands and income producing assets, infrastructure and other valuable assests, including financial distributions to each Tribe pursuant to the Settlement Act This amendments, and otherwise; and to the extent available (including data provided by the Tribes) the unmet economic, infrastructure and land needs of each Tribe, at the time of the Report No expenditure from the Settlement Fund shall be made prior to submission of the report, and Congressional action upon such report, except as may be agreed upon by the Hoopa Valley and Yurok Tribes pursuant to their constitutional requirements.

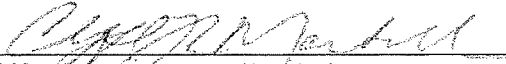
Section B. Subsections of the HYSA that conditioned certain provision on a Yurok Council waiver resolution, found in P.L. 100-580, Section 2(c)(4)(B),(C) and (D) (relating to land transfers, land acquisition and organizational authorities), are hereby repealed.


Section C. The provisions of the Klamath River Basin Fisheries Restoration Act of 1986, Pub. L. 99-552 creating the Klamath Fisheries Management Council are hereby amended to provide a voting member to be appointed by the Yurok Tribe to replace the non Hoopa Indian voting member.

Section D. Section 10 of the HYSA is amended by deleting subsection 10 (a) and inserting in lieu thereof: Section 10 (a) Plan for Economic Self-Sufficiency -There is authorized to be appropriated no less than 3 million dollars for the Yurok Self Sufficiency Plan.

1. The Secretary shall enter into negotiations with the Yurok Tribe in order to establish a plan for the economic self-sufficiency of the Tribe, which shall be completed within eighteen months of the enactment of this amendment;
2. Upon the approval of such Plan by the Yurok Tribe, the Secretary shall submit such Plan to the Congress.

Respectfully submitted,


Clifford Lyle Marshall, Chairman
Hoopa Valley Tribal Council


Howard D. McConnell, Chairman
Yurok Tribal Council