

# Union Calendar No. 379

110TH CONGRESS  
2D SESSION

# H. R. 3490

[Report No. 110-609]

To transfer administrative jurisdiction of certain Federal lands from the Bureau of Land Management to the Bureau of Indian Affairs, to take such lands into trust for Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 6, 2007

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

APRIL 29, 2008

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on September 6, 2007]

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## A BILL

To transfer administrative jurisdiction of certain Federal lands from the Bureau of Land Management to the Bureau of Indian Affairs, to take such lands into trust for Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria, 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 “Tuolumne Me-Wuk Land*  
5 *Transfer Act of 2008”.*

6 **SEC. 2. FINDINGS.**

7        *Congress finds that—*

8            *(1) the Tuolumne Band of Me-Wuk Indians of*  
9 *the Tuolumne Rancheria, California (referred to in*  
10 *this Act as the “Tribe”), is a federally recognized In-*  
11 *dian tribe;*

12            *(2) 3 tracts of Federal lands managed by the Bu-*  
13 *reau of Land Management are adjacent to the*  
14 *Tuolumne Rancheria of California, a federally recog-*  
15 *nized Indian Reservation held in trust for the benefit*  
16 *of the Tribe;*

17            *(3) one such tract is a cemetery within which*  
18 *are buried the remains of ancestors of the Tribe and*  
19 *other Indians;*

20            *(4) another such tract is needed for use by the*  
21 *Tribe for a cultural center and other public uses of*  
22 *the Tribe;*

23            *(5) the remaining tract is needed for use by the*  
24 *Tribe for agricultural, housing, and open space needs;*

1           (6) none of the foregoing 3 tracts are to be used  
2 by the Tribe for gaming purposes;

3           (7) certain parcels of lands adjacent to the  
4 Tuolumne Rancheria were taken into trust for the  
5 benefit of the Tribe; and

6           (8) 2 parcels of fee lands owned by the Tribe and  
7 adjacent to the Tuolumne Rancheria, commonly re-  
8 ferred to as the “Thomas and Coenenburg properties”,  
9 have been approved and are pending transfer into  
10 trust status by the Bureau of Indian Affairs for the  
11 benefit of the Tribe.

12 **SEC. 3. LANDS TO BE TAKEN INTO TRUST.**

13 (a) *IN GENERAL.*—

14           (1) *FEDERAL LANDS.*—Subject to valid existing  
15 rights, all right, title, and interest (including im-  
16 provements and appurtenances) of the United States  
17 in and to the Federal lands described in subsection  
18 (b), immediately after the Secretary of the Interior  
19 has confirmed that the National Environmental Pol-  
20 icy Act of 1969 has been complied with regarding the  
21 trust acquisition of those Federal lands, the Federal  
22 lands shall be declared to be held in trust by the  
23 United States for the benefit of the Tribe for non-  
24 gaming purposes, and shall be subject to the same  
25 terms and conditions as those lands described in the

1        *California Indian Land Transfer Act of 2000 (title*  
2        *IX, Public Law 106–568; 114 Stat. 2868, 2921).*

3            (2) *TRUST LANDS.—Lands described in sub-*  
4        *section (c) of this section that are taken or to be taken*  
5        *in trust by the United States for the benefit of the*  
6        *Tribe shall be subject to subsection (c) of section 903*  
7        *of the California Indian Land Transfer Act of 2000.*

8            (b) *FEDERAL LANDS DESCRIBED.—The Federal lands*  
9        *described in this subsection, comprising approximately 66*  
10       *acres, are as follows:*

11            (1) *Township 1 North, Range 16 East, Section*  
12        *6, Lots 10 and 12, MDM, containing 50.24 acres*  
13        *more or less.*

14            (2) *Township 1 North, Range 16 East, Section*  
15        *5, Lot 16, MDM, containing 15.35 acres more or less.*

16            (3) *Township 2 North, Range 16 East, Section*  
17        *32, Indian Cemetery Reservation within Lot 22,*  
18        *MDM, containing 0.4 acres more or less.*

19            (c) *TRUST LANDS DESCRIBED.—The trust lands de-*  
20        *scribed in this subsection, comprising approximately 357*  
21        *acres, are commonly referred to as follows:*

22            (1) *Thomas property, pending trust acquisition,*  
23        *104.50 acres.*

24            (2) *Coenenburg property, pending trust acquisi-*  
25        *tion, 192.70 acres, subject to existing easements of*

1 *record, including but not limited to a non-exclusive*  
2 *easement for ingress and egress for the benefit of ad-*  
3 *joining property as conveyed by Easement Deed re-*  
4 *corded July 13, 1984, in Volume 755, Pages 189 to*  
5 *192, and as further defined by Stipulation and Judg-*  
6 *ment entered by Tuolumne County Superior Court on*  
7 *September 2, 1983, and recorded June 4, 1984, in*  
8 *Volume 751, Pages 61 to 67.*

9 (3) *Assessor Parcel No. 620505300, 1.5 acres,*  
10 *trust land.*

11 (4) *Assessor Parcel No. 620505400, 19.23 acres,*  
12 *trust land.*

13 (5) *Assessor Parcel No. 620505600, 3.46 acres,*  
14 *trust land.*

15 (6) *Assessor Parcel No. 620505700, 7.44 acres,*  
16 *trust land.*

17 (7) *Assessor Parcel No. 620401700, 0.8 acres,*  
18 *trust land.*

19 (8) *A portion of Assessor Parcel No. 620500200,*  
20 *2.5 acres, trust land.*

21 (9) *Assessor Parcel No. 620506200, 24.87 acres,*  
22 *trust land.*

23 (d) *SURVEY.—As soon as practicable after the date of*  
24 *the enactment of this Act, the Office of Cadastral Survey*  
25 *of the Bureau of Land Management shall complete fieldwork*

1 *required for a survey of the lands described in subsections*  
2 *(b) and (c) for the purpose of incorporating those lands*  
3 *within the boundaries of the Tuolumne Rancheria. Not later*  
4 *than 90 days after that fieldwork is completed, that office*  
5 *shall complete the survey.*

6 *(e) LEGAL DESCRIPTIONS.—*

7 *(1) PUBLICATION.—On approval by the Commu-*  
8 *nity Council of the Tribe of the survey completed*  
9 *under subsection (d), the Secretary of the Interior*  
10 *shall publish in the Federal Register—*

11 *(A) a legal description of the new boundary*  
12 *lines of the Tuolumne Rancheria; and*

13 *(B) a legal description of the land surveyed*  
14 *under subsection (d).*

15 *(2) EFFECT.—Beginning on the date on which*  
16 *the legal descriptions are published under paragraph*  
17 *(1), such legal descriptions shall be the official legal*  
18 *descriptions of those boundary lines of the Tuolumne*  
19 *Rancheria and the lands surveyed.*



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