

HOOPA VALLEY RESERVATION SOUTH BOUNDARY  
ADJUSTMENT ACT

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JUNE 3, 1997.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

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Mr. YOUNG of Alaska, from the Committee on Resources,  
submitted the following

REPORT

[To accompany H.R. 79]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 79) to provide for the conveyance of certain land in the Six Rivers National Forest in the State of California for the benefit of the Hoopa Valley Tribe, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Hoopa Valley Reservation South Boundary Adjustment Act”.

**SEC. 2. TRANSFER OF LANDS WITHIN SIX RIVERS NATIONAL FOREST FOR HOOPA VALLEY TRIBE.**

(a) **TRANSFER.**—All right, title, and interest in and to the lands described in subsection (b) shall hereafter be administered by the Secretary of the Interior and be held in trust by the United States for the Hoopa Valley Tribe. The lands are hereby declared part of the Hoopa Valley Reservation. Upon the inclusion of such lands in the Hoopa Valley Reservation, Forest Service system roads numbered 8N03 and 7N51 and the Trinity River access road which is a spur off road numbered 7N51, shall be Indian reservation roads, as defined in section 101(a) of title 23 of the United States Code.

(b) **LANDS DESCRIBED.**—The lands referred to in subsection (a) are those portions of Townships 7 North and 8 North, Ranges 5 East and 6 East, Humboldt Meridian, California, within a boundary beginning at a point on the current south boundary of the Hoopa Valley Indian Reservation, marked and identified as “Post H.V.R. No. 8” on the Plat of the Hoopa Valley Indian Reservation prepared from a field survey conducted by C.T. Bissel, Augustus T. Smith, and C.A. Robinson, Deputy Surveyors, approved by the Surveyor General, H. Pratt, March 18, 1892, and extending from

said point on a bearing of north 72 degrees 30 minutes east, until intersecting with a line beginning at a point marked as "Post H.V.R. No. 3" on such survey and extending on a bearing of south 15 degrees 59 minutes east, comprising 2,641 acres more or less.

(c) BOUNDARY ADJUSTMENT.—The boundary of the Six Rivers National Forest in the State of California is hereby adjusted to exclude the lands to be held in trust for the benefit of the Hoopa Valley Tribe pursuant to this section.

(d) SURVEY.—The Secretary of the Interior, acting through the Bureau of Land Management, shall survey and monument that portion of the boundary of the Hoopa Valley Reservation established by the addition of the lands described in subsection (b).

(e) SETTLEMENT OF CLAIMS.—The transfer of lands to trust status under this section extinguishes the following claims by the Hoopa Valley Tribe:

(1) All claims on land now administered as part of the Six Rivers National Forest based on the allegation of error in establishing the boundaries of the Hoopa Valley Reservation, as those boundaries were configured before the date of the enactment of this Act.

(2) All claims of failure to pay just compensation for a taking under the fifth amendment to the United States Constitution, if such claims are based on activities, occurring before the date of the enactment of this Act, related to the lands transferred to trust status under this section.

#### PURPOSE OF THE BILL

The purpose of H.R. 79 is to provide for the conveyance of certain land in the Six Rivers National Forest in the State of California for the benefit of the Hoopa Valley Tribe.

#### BACKGROUND AND NEED FOR LEGISLATION

H.R. 79 would transfer approximately 2,641 acres of land to the Hoopa Valley Tribe of California. The land to be transferred is currently part of the Six Rivers National Forest. The Forest Service has built roads and harvested timber on the affected lands. The property also contains graves and the remains of an ancient village of the Tish-Tan-A-Tang band of Hoopa Indians. The current boundary of the Hoopa Valley Reservation contains a "dog-leg" in the South boundary as a result of a 1875 survey. That property line left 2,641 acres out of the six-mile square. H.R. 79 would straighten the boundary to reflect what many believe was the originally intended boundary of the reservation.

#### COMMITTEE ACTION

H.R. 79 was introduced on January 7, 1997, by Congressman Frank Riggs (R-CA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Forests and Forest Health. On May 6, 1997, the Subcommittee held a hearing on H.R. 79, where the Administration testified that it supports H.R. 79 with amendments to address several concerns. First, the proposed amendment would specify that the lands held in trust for the Hoopa Valley Tribe would be administered by the Secretary of the Interior. Second, the Administration requested a technical change to state that the boundary of the Six Rivers National Forest "is hereby" adjusted instead of requiring that it "shall be" adjusted, to avoid the need for subsequent administrative action to change the boundary. Finally, the Administration requested a new paragraph on settlement of claims by the Hoopa Valley Tribe. The Administration indicated that the Tribe was in agreement with the proposed changes. On May 8, 1997, the Subcommittee met to mark up H.R. 79. An amendment was offered by Congresswoman Helen

Chenoweth (R-ID) and approved by voice vote to address the changes requested by the Administration. The bill was then ordered favorably reported to the Full Committee. On May 21, 1997, the Full Resources Committee met to consider H.R. 79. An amendment was offered by Congresswoman Helen Chenoweth to clarify that three roads on the lands to be transferred will be made part of the Indian Reservation Road System as defined in 23 U.S.C. 101(a). This ensures that the roads will continue to be managed as public roads. The amendment was adopted by voice vote. The bill was then ordered favorably reported to the House of Representatives by voice vote.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Short title*

Section one describes the short title of the bill, the “Hoopa Valley Reservation South Boundary Adjustment Act.”

##### *Section 2. Transfer of lands within Six Rivers National Forest for Hoopa Valley Tribe*

Section two provides for the transfer of approximately 2,641 acres at the south boundary of the reservation to be held in trust by the United States for the benefit of the Hoopa Valley Tribe. Accordingly, it also adjusts the boundary of the Six Rivers National Forest to exclude the transferred lands and provides for a survey of the new boundary.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(1)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on Resources’ oversight findings and recommendations are reflected in the body of this report.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact H.R. 79.

#### COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 79. However, clause 7(d) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

#### COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 79 does not contain any new budget authority, credit authority, or an increase or decrease in tax expenditures. Enactment of H.R. 79 would result in a net in-

crease in discretionary spending in fiscal year 1998 (of about \$50,000) and a decrease of about \$20,000 a year thereafter. Enactment of H.R. 79 would also reduce offsetting receipts (estimated to be less than \$10,000 a year).

2. With respect to the requirement of clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 79.

3. With respect to the requirement of clause 2(1)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 79 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, June 2, 1997.*

Hon. DON YOUNG,  
*Chairman, Committee on Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 79, the Hoopa Valley Reservation South Boundary Adjustment Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Lisa H. Daley.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

*H.R. 79—Hoopa Valley Reservation South Boundary Adjustment Act*

CBO estimates that enacting H.R. 79 would result in a net increase of about \$50,000 in discretionary spending in fiscal year 1998 and a decrease of about \$20,000 a year thereafter, assuming appropriations consistent with the bill's provisions. Enacting H.R. 79 also would affect direct spending by reducing offset receipts; therefore, pay-as-you-go procedures would apply to the bill. We estimate, however, that the loss of offsetting receipts would be less than \$10,000 a year.

H.R. 79 would transfer into trust for the Hoopa Valley Tribe about 2,641 acres of land in the Six Rivers National Forest. Upon transfer of the land, the tribe would assume management of the land, including the Tish-Tang Campground and three Forest Service roads. We assume the bill will be enacted by the beginning of fiscal year 1998, at which time the land and management of the campground and roads would transfer to the tribe.

The bill would increase discretionary spending in fiscal year 1998 by requiring the Bureau of Land Management (BLM) to survey and mark the boundary of the land to be transferred. Based on information from BLM and the Forest Service, we estimate that BLM would spend about \$70,000 in fiscal year 1998 for the land survey

activities, assuming appropriation of the necessary amounts. However, the Forest Service would save about \$20,000 a year in management and maintenance costs for the campground once the land transfer takes place. There would be no net budgetary impact from transferring the roads to the tribe, because the federal government will continue to pay for their maintenance.

Once the land is transferred to the tribe, the federal government would forgo offsetting receipts from campground fees and miscellaneous forest product permits. We estimate that the net loss of receipts would total less than \$10,000 a year. According to the Forest Service, there would be no loss of timber receipts because all timbering on the land has been completed.

H.R. 79 contains no private-sector or intergovernmental mandates as defined in the Unfunded Mandates Reform Act of 1995 (UMRA) and would impose no costs on state, local, or tribal governments. By voluntarily accepting the land transfer, the Hoopa Valley Tribe would also accept responsibility for managing the campground, along with the associated costs.

The CBO staff contact for this estimate is Lisa H. Daley. This estimate was approved by Paul N. Van de Water, Assistant Director for Budget Analysis.

#### COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 79 contains no unfunded mandates.

#### CHANGES IN EXISTING LAW

If enacted, H.R. 79 would make no changes in existing law.

