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106TH CONGRESS
2D SESSION

S. 2102

[Report No. 106-327]

To provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 24, 2000

Mr. INOUE (for himself, Mrs. FEINSTEIN, and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

JUNE 30, 2000

Reported by Mr. CAMPBELL, with an amendment

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

A BILL

To provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland, 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 “Timbisha Shoshone
5 Homeland Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Since time immemorial, the Timbisha Sho-
4 shone Tribe has lived in portions of California and
5 Nevada. The Tribe's ancestral homeland includes the
6 area that now comprises Death Valley National Park
7 and other areas of California and Nevada now ad-
8 ministered by the Bureau of Land Management.

9 (2) Since 1936, the Tribe has lived and gov-
10 erned the affairs of the Tribe on approximately 40
11 acres of land near Furnace Creek in the Park.

12 (3) The Tribe achieved Federal recognition in
13 1983 but does not have a land base within the
14 Tribe's ancestral homeland.

15 (4) Since the Tribe commenced use and occu-
16 paney of the Furnace Creek area, the Tribe's mem-
17 bership has grown. Tribal members have a desire
18 and need for housing, government and administra-
19 tive facilities, cultural facilities, and sustainable eco-
20 nomic development to provide decent, safe, and
21 healthy conditions for themselves and their families.

22 (5) The interests of both the Tribe and the Na-
23 tional Park Service would be enhanced by recog-
24 nizing their coexistence on the same land and by es-
25 tablishing partnerships for compatible land uses and

1 for the interpretation of the Tribe's history and cul-
2 ture for visitors to the Park.

3 (6) The interests of both the Tribe and the
4 United States would be enhanced by the establish-
5 ment of a land base for the Tribe and by further de-
6 lineation of the rights and obligations of each with
7 respect to the Furnace Creek area and to the Park
8 as a whole.

9 **SEC. 3. PURPOSES.**

10 Consistent with the recommendations of the report
11 required by section 705(b) of the California Desert Protec-
12 tion Act of 1994 (Public Law 103-433; 108 Stat. 4498),
13 the purposes of this Act are—

14 (1) to provide in trust to the Tribe land on
15 which the Tribe can live permanently and govern the
16 Tribe's affairs in a modern community within the
17 ancestral homeland of the Tribe outside and within
18 the Park;

19 (2) to formally recognize the contributions by
20 the Tribe to the history, culture, and ecology of the
21 Park and surrounding area;

22 (3) to ensure that the resources within the Park
23 are protected and enhanced by—

24 (A) cooperative activities within the Tribe's
25 ancestral homeland; and

1 (B) partnerships between the Tribe and
2 the National Park Service and partnerships in-
3 volving the Bureau of Land Management;

4 (4) to ensure that such activities are not in
5 derogation of the purposes and values for which the
6 Park was established;

7 (5) to provide opportunities for a richer visitor
8 experience at the Park through direct interactions
9 between visitors and the Tribe including guided
10 tours, interpretation, and the establishment of a
11 tribal museum and cultural center;

12 (6) to provide appropriate opportunities for eco-
13 nomically viable and ecologically sustainable visitor-
14 related development, by the Tribe within the Park,
15 that is not in derogation of the purposes and values
16 for which the Park was established; and

17 (7) to provide trust lands for the Tribe in 4
18 separate parcels of land that is now managed by the
19 Bureau of Land Management and authorize the pur-
20 chase of 2 parcels now held in private ownership to
21 be taken into trust for the Tribe.

22 **SEC. 4. DEFINITIONS.**

23 In this Act:

1 (1) **PARK.**—The term “Park” means Death
2 Valley National Park, including any additions to
3 that Park.

4 (2) **SECRETARY.**—The term “Secretary” means
5 the Secretary of the Interior or the designee of the
6 Secretary.

7 (3) **TRIBAL.**—The term “tribal” means of or
8 pertaining to the Tribe.

9 (4) **TRIBE.**—The term “Tribe” means the
10 Timbisha Shoshone Tribe, a tribe of American Indi-
11 ans recognized by the United States pursuant to
12 part 83 of title 25, Code of Federal Regulations (or
13 any corresponding similar regulation or ruling).

14 (5) **TRUST LANDS.**—The term “trust lands”
15 means those lands taken into trust pursuant to this
16 Act.

17 **SEC. 5. TRIBAL RIGHTS AND AUTHORITY ON THE TIMBISHA**
18 **SHOSHONE HOMELAND.**

19 (a) **IN GENERAL.**—Subject to valid existing rights
20 (existing on the date of enactment of this Act), all right,
21 title, and interest of the United States in and to the lands,
22 including improvements and appurtenances, described in
23 subsection (b) are declared to be held in trust by the
24 United States for the benefit of the Tribe. All maps re-
25 ferred to in subsection (b) shall be on file and available

1 for public inspection in the appropriate offices of the Na-
2 tional Park Service and the Bureau of Land Management.

3 (b) ~~PARK LANDS AND BUREAU OF LAND MANAGE-~~
4 ~~MENT LANDS DESCRIBED.—~~

5 (1) ~~IN GENERAL.—~~The following lands shall be
6 held in trust for the Tribe pursuant to subsection
7 (a):

8 (A) Furnace Creek, Death Valley National
9 Park, California, an area of approximately 300
10 acres for community development, residential
11 development, historic restoration, and visitor-re-
12 lated economic development, as generally de-
13 picted on the map entitled “Community Devel-
14 opment at Furnace Creek, Death Valley Na-
15 tional Park”, numbered Map #1 and dated De-
16 cember 3, 1999. This area shall include a 25-
17 acre, nondevelopment zone at the north end of
18 the area and an Adobe Restoration zone con-
19 taining several historic adobe homes, which
20 shall be managed by the Tribe as a tribal his-
21 toric district.

22 (B) Death Valley Junction, California, an
23 area of approximately 1,000 acres, as generally
24 depicted on the map entitled “Death Valley

1 Junction, California”, numbered Map #2 and
 2 dated December 3, 1999.

3 (C) Centennial, California, an area of ap-
 4 proximately 640 acres, as generally depicted on
 5 the map entitled “Centennial, California”, num-
 6 bered Map #3 and dated December 3, 1999.

7 (D) Scotty’s Junction, Nevada, an area of
 8 approximately 2,800 acres, as generally de-
 9 picted on the map entitled “Scotty’s Junction,
 10 Nevada”, numbered Map #4 and dated Decem-
 11 ber 3, 1999.

12 (E) Lida, Nevada, Community Parcel, an
 13 area of approximately 2,800 acres, as generally
 14 depicted on the map entitled “Lida, Nevada,
 15 Community Parcel”, numbered Map #5 and
 16 dated December 3, 1999.

17 (2) LIMITATIONS ON FURNACE CREEK AREA
 18 DEVELOPMENT.—

19 (A) DEVELOPMENT.—Recognizing the mu-
 20 tual interests and responsibilities of the Tribe
 21 and the National Park Service in and for the
 22 conservation and protection of the resources in
 23 the area described in paragraph (1), develop-
 24 ment in the area shall be limited to—

1 (i) for purposes of community and
2 residential development—

3 (I) a ~~maximum~~ of 50 single-fam-
4 ily residences; and

5 (II) a tribal community center
6 with space for tribal offices, recreation
7 facilities, a multipurpose room and
8 kitchen, and senior and youth facili-
9 ties;

10 (ii) for purposes of economic
11 development—

12 (I) a ~~small-to-moderate~~ desert
13 inn; and

14 (II) a tribal museum and cultural
15 center with a gift shop; and

16 (iii) the infrastructure necessary to
17 support the level of development described
18 in clauses (i) and (ii).

19 (B) EXCEPTION.—Notwithstanding the
20 provisions of subparagraph (A)(ii), the National
21 Park Service and the Tribe are authorized to
22 negotiate mutually agreed upon, visitor-related
23 economic development in lieu of the develop-
24 ment set forth in that subparagraph if such al-
25 ternative development will have no greater envi-

1 ronmental impact than the development set
2 forth in that subparagraph.

3 (C) ~~RIGHT-OF-WAY.~~—The Tribe shall have
4 a right-of-way for ingress and egress on High-
5 way 190 in California.

6 (3) ~~LIMITATIONS ON IMPACT ON MINING~~
7 ~~CLAIMS.~~—Nothing in this Act shall be construed as
8 terminating any valid mining claim existing on the
9 date of enactment of this Act on the land described
10 in paragraph (1)(E). Any person with such an exist-
11 ing mining claim shall have all the rights incident to
12 mining claims, including the rights of ingress and
13 egress on the land described in paragraph (1)(E).
14 Any person with such an existing mining claim shall
15 have the right to occupy and use so much of the sur-
16 face of the land as is required for all purposes rea-
17 sonably necessary to mine and remove the minerals
18 from the land, including the removal of timber for
19 mining purposes. Such a mining claim shall termi-
20 nate when the claim is determined to be invalid or
21 is abandoned.

22 (c) ~~LEGAL DESCRIPTIONS.~~—Not later than 1 year
23 after the date of enactment of this Act, the Secretary shall
24 file a legal description of the areas described in subsection
25 (b) with the Committee on Resources of the House of Rep-

1 representatives and with the Committee on Indian Affairs
2 and the Committee on Energy and Natural Resources of
3 the Senate. Such legal description shall have the same
4 force and effect as if the information contained in the de-
5 scription were included in that subsection except that the
6 Secretary may correct clerical and typographical errors in
7 such legal description and in the maps referred to in the
8 legal description. The legal description shall be on file and
9 available for public inspection in the offices of the Na-
10 tional Park Service and the Bureau of Land Management.

11 (d) **ADDITIONAL TRUST RESOURCES.**—The Sec-
12 retary may purchase from willing sellers the following par-
13 cels and appurtenant water rights, or the water rights sep-
14 arately, to be taken into trust for the Tribe:

15 (1) Indian Rancheria Site, California, an area
16 of approximately 120 acres, as generally depicted on
17 the map entitled “Indian Rancheria Site, California”
18 numbered ____ and dated _____;

19 (2) Lida Ranch, Nevada, an area of approxi-
20 mately 2,340 acres, as generally depicted on the
21 map entitled “Lida Ranch” numbered ____ and
22 dated _____; or another parcel mutually
23 agreed upon by the Secretary and the Tribe.

24 (e) **SPECIAL USE AREAS.**—

1 (1) IN GENERAL.—The National Park Service
2 and the Bureau of Land Management are authorized
3 to designate the areas described in this subsection as
4 nonexclusive special use areas for the Tribe, subject
5 to other Federal law. Members of the Tribe are au-
6 thorized to use these areas for low impact, eco-
7 logically sustainable, traditional practices pursuant
8 to a jointly established management plan mutually
9 agreed upon by the Tribe, and by the National Park
10 Service or the Bureau of Land Management, as ap-
11 propriate. All maps referred to in paragraph (4)
12 shall be on file and available for public inspection in
13 the offices of the National Park Service and Bureau
14 of Land Management.

15 (2) RECOGNITION OF THE HISTORY AND CUL-
16 TURE OF THE TRIBE.—In the special use areas, in
17 recognition of the significant contributions the Tribe
18 has made to the history, ecology, and culture of the
19 Park and to ensure that the visitor experience in the
20 Park will be enhanced by the increased and contin-
21 ued presence of the Tribe, the Secretary shall permit
22 the Tribe's continued use of Park resources for tra-
23 ditional tribal purposes, practices, and activities.

24 (3) RESOURCE USE BY THE TRIBE.—In the
25 special use areas, any use of Park resources by the

1 Tribe for traditional purposes, practices, and activi-
2 ties shall not be in derogation of purposes and val-
3 ues for which the Park was established.

4 (4) SPECIFIC AREAS.—The following areas are
5 designated special use areas pursuant to paragraph
6 (1):

7 (A) MESQUITE USE AREA.—The area gen-
8 erally depicted on the map entitled “Mesquite
9 Use Area” numbered ____ and dated
10 _____: The Tribe may use this area for
11 processing mesquite using traditional plant
12 management techniques such as thinning, prun-
13 ing, harvesting, removing excess sand, and re-
14 moving exotic species. The National Park Serv-
15 ice may limit and condition, but not to prohibit
16 entirely, public use of this area or parts of this
17 area, in consultation with the Tribe. This area
18 shall be managed in accordance with the jointly
19 established management plan referred to in
20 paragraph (1):

21 (B) BUFFER AREA.—An area of approxi-
22 mately ____ acres, as generally depicted on the
23 map entitled “Buffer Area” numbered ____
24 and dated _____: The National Park
25 Service shall restrict visitor use of this area to

1 protect the privacy of the Tribe and to provide
 2 an opportunity for the Tribe to conduct commu-
 3 nity affairs without undue disruption from the
 4 public.

5 (C) ~~TIMBISHA SHOSHONE NATURAL AND~~
 6 ~~CULTURAL PRESERVATION AREA.~~—An area that
 7 primarily consists of Park lands and also a
 8 small portion of Bureau of Land Management
 9 land in California, as generally depicted on the
 10 map entitled “Timbisha Shoshone Natural and
 11 Cultural Preservation Area” numbered ____
 12 and dated _____.

13 (5) ~~ADDITIONAL PROVISIONS.~~—With respect to
 14 the Timbisha Shoshone Natural and Cultural Pres-
 15 ervation Area designated in paragraph (4)(C)—

16 (A) the Tribe may establish and maintain
 17 a tribal resource management field office, ga-
 18 rage, and storage area, all within the area of
 19 the existing ranger station at Wildrose (existing
 20 as of the date of enactment of this Act);

21 (B) the Tribe also may use traditional
 22 camps for tribal members at Wildrose and
 23 Hunter Mountain in accordance with the jointly
 24 established management plan referred to in
 25 paragraph (1);

1 (C) the area shall be depicted on maps of
2 the Park and Bureau of Land Management
3 that are provided for general visitor use;

4 (D) the National Park Service and the Bu-
5 reau of Land Management shall accommodate
6 access by the Tribe to and use by the Tribe
7 of—

8 (i) the area (including portions de-
9 scribed in subparagraph (E)) for tradi-
10 tional cultural and religious activities, in a
11 manner consistent with the purpose and
12 intent of Public Law 95-341 (commonly
13 known as the “American Indian Religious
14 Freedom Act”) (42 U.S.C. 1996 et seq.);
15 and

16 (ii) areas designated as wilderness (in-
17 cluding portions described in subparagraph
18 (E)), in a manner consistent with the pur-
19 pose and intent of the Wilderness Act (16
20 U.S.C. 1131 et seq.); and

21 (E)(i) on the request of the Tribe, the Na-
22 tional Park Service and the Bureau of Land
23 Management shall temporarily close to the gen-
24 eral public, 1 or more specific portions of the
25 area in order to protect the privacy of tribal

1 members engaging in traditional cultural and
2 religious activities in those portions; and

3 (ii) any such closure shall be made in a
4 manner that affects the smallest practicable
5 area for the minimum period necessary for the
6 purposes described in clause (i).

7 (f) ACCESS AND USE.—Members of the Tribe shall
8 have the right to enter and use the Park without payment
9 of any fee for admission into the Park.

10 (g) ADMINISTRATION.—The trust lands shall con-
11 stitute the Timbisha Shoshone Reservation and shall be
12 administered pursuant to the laws and regulations appli-
13 cable to other Indian trust lands, except as otherwise pro-
14 vided in this Act.

15 **SEC. 6. IMPLEMENTATION PROCESS.**

16 (a) GOVERNMENT-TO-GOVERNMENT AGREE-
17 MENTS.—In order to fulfill the purposes of this Act and
18 to establish cooperative partnerships for purposes of this
19 Act, the National Park Service, the Bureau of Land Man-
20 agement, and the Tribe shall enter into government-to-
21 government consultations and shall develop protocols to
22 review planned development in the Park. The National
23 Park Service and the Bureau of Land Management are
24 authorized to enter into cooperative agreements with the
25 Tribe for the purpose of providing training on the inter-

1 pretation, management, protection, and preservation of
2 the natural and cultural resources of the areas designated
3 for special uses by the Tribe in section 5(e)(4).

4 (b) STANDARDS.—The National Park Service and the
5 Tribe shall develop mutually agreed upon standards for
6 size, impact, and design for use in planning, resource pro-
7 tection, and development of the Furnace Creek area and
8 for the facilities at Wildrose. The standards shall be based
9 on standards for recognized best practices for environ-
10 mental sustainability and shall not be less restrictive than
11 the environmental standards applied within the National
12 Park System at any given time. Development in the area
13 shall be conducted in a manner consistent with the stand-
14 ards, which shall be reviewed periodically and revised as
15 necessary.

16 **SEC. 7. MISCELLANEOUS PROVISIONS.**

17 (a) TRIBAL EMPLOYMENT.—In employing individuals
18 to perform any construction, maintenance, interpretation,
19 or other service in the Park, the Secretary shall, insofar
20 as practicable, give first preference to qualified members
21 of the Tribe.

22 (b) GAMING.—Gaming as defined and regulated by
23 the Indian Gaming Regulatory Act (25 U.S.C. 2701 et
24 seq.) shall be prohibited on trust lands within the Park.

1 (c) **INITIAL RESERVATION.**—Lands taken into trust
 2 for the Tribe pursuant to section 5(a) shall be considered
 3 to be the Tribe’s initial reservation for purposes of section
 4 20(b)(1)(B)(ii) of the Indian Gaming Regulatory Act (25
 5 U.S.C. 2719(b)(1)(B)(ii)).

6 (d) **TRIBAL JURISDICTION OVER TRUST LANDS.**—All
 7 trust lands located within California shall be exempt from
 8 section 1162 of title 18, United States Code, and section
 9 1360 of title 28, United States Code, commencing 3 years
 10 after the date of enactment of this Act.

11 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated to carry out
 13 this Act such sums as may be necessary.

14 **SECTION 1. SHORT TITLE.**

15 *This Act may be cited as the “Timbisha Shoshone*
 16 *Homeland Act”.*

17 **SEC. 2. FINDINGS.**

18 *Congress finds the following:*

19 (1) *Since time immemorial, the Timbisha Sho-*
 20 *shone Tribe has lived in portions of California and*
 21 *Nevada. The Tribe’s ancestral homeland includes the*
 22 *area that now comprises Death Valley National Park*
 23 *and other areas of California and Nevada now ad-*
 24 *ministered by the Bureau of Land Management.*

1 (2) *Since 1936, the Tribe has lived and governed*
2 *the affairs of the Tribe on approximately 40 acres of*
3 *land near Furnace Creek in the Park.*

4 (3) *The Tribe achieved Federal recognition in*
5 *1983 but does not have a land base within the Tribe's*
6 *ancestral homeland.*

7 (4) *Since the Tribe commenced use and occu-*
8 *pancy of the Furnace Creek area, the Tribe's member-*
9 *ship has grown. Tribal members have a desire and*
10 *need for housing, government and administrative fa-*
11 *cilities, cultural facilities, and sustainable economic*
12 *development to provide decent, safe, and healthy con-*
13 *ditions for themselves and their families.*

14 (5) *The interests of both the Tribe and the Na-*
15 *tional Park Service would be enhanced by recognizing*
16 *their coexistence on the same land and by establishing*
17 *partnerships for compatible land uses and for the in-*
18 *terpretation of the Tribe's history and culture for visi-*
19 *tors to the Park.*

20 (6) *The interests of both the Tribe and the*
21 *United States would be enhanced by the establishment*
22 *of a land base for the Tribe and by further delinea-*
23 *tion of the rights and obligations of each with respect*
24 *to the Furnace Creek area and to the Park as a whole.*

1 **SEC. 3. PURPOSES.**

2 *Consistent with the recommendations of the report re-*
3 *quired by section 705(b) of the California Desert Protection*
4 *Act of 1994 (Public Law 103–433; 108 Stat. 4498), the pur-*
5 *poses of this Act are—*

6 *(1) to provide in trust to the Tribe land on*
7 *which the Tribe can live permanently and govern the*
8 *Tribe’s affairs in a modern community within the*
9 *ancestral homeland of the Tribe outside and within*
10 *the Park;*

11 *(2) to formally recognize the contributions by the*
12 *Tribe to the history, culture, and ecology of the Park*
13 *and surrounding area;*

14 *(3) to ensure that the resources within the Park*
15 *are protected and enhanced by—*

16 *(A) cooperative activities within the Tribe’s*
17 *ancestral homeland; and*

18 *(B) partnerships between the Tribe and the*
19 *National Park Service and partnerships involv-*
20 *ing the Bureau of Land Management;*

21 *(4) to ensure that such activities are not in dero-*
22 *gation of the purposes and values for which the Park*
23 *was established;*

24 *(5) to provide opportunities for a richer visitor*
25 *experience at the Park through direct interactions be-*
26 *tween visitors and the Tribe including guided tours,*

1 *interpretation, and the establishment of a tribal mu-*
2 *seum and cultural center;*

3 *(6) to provide appropriate opportunities for eco-*
4 *nomically viable and ecologically sustainable visitor-*
5 *related development, by the Tribe within the Park,*
6 *that is not in derogation of the purposes and values*
7 *for which the Park was established; and*

8 *(7) to provide trust lands for the Tribe in 4 sep-*
9 *arate parcels of land that is now managed by the Bu-*
10 *reau of Land Management and authorize the purchase*
11 *of 2 parcels now held in private ownership to be*
12 *taken into trust for the Tribe.*

13 **SEC. 4. DEFINITIONS.**

14 *In this Act:*

15 *(1) PARK.—The term “Park” means Death Val-*
16 *ley National Park, including any additions to that*
17 *Park.*

18 *(2) SECRETARY.—The term “Secretary” means*
19 *the Secretary of the Interior or the designee of the*
20 *Secretary.*

21 *(3) TRIBAL.—The term “tribal” means of or per-*
22 *taining to the Tribe.*

23 *(4) TRIBE.—The term “Tribe” means the*
24 *Timbisha Shoshone Tribe, a tribe of American Indi-*
25 *ans recognized by the United States pursuant to part*

1 83 of title 25, Code of Federal Regulations (or any
2 corresponding similar regulation or ruling).

3 (5) *TRUST LANDS.*—The term “trust lands”
4 means those lands taken into trust pursuant to this
5 Act.

6 **SEC. 5. TRIBAL RIGHTS AND AUTHORITY ON THE TIMBISHA**
7 **SHOSHONE HOMELAND.**

8 (a) *IN GENERAL.*—Subject to valid existing rights (ex-
9 isting on the date of enactment of this Act), all right, title,
10 and interest of the United States in and to the lands, in-
11 cluding improvements and appurtenances, described in sub-
12 section (b) are declared to be held in trust by the United
13 States for the benefit of the Tribe. All maps referred to in
14 subsection (b) shall be on file and available for public in-
15 spection in the appropriate offices of the National Park
16 Service and the Bureau of Land Management.

17 (b) *PARK LANDS AND BUREAU OF LAND MANAGEMENT*
18 *LANDS DESCRIBED.*—

19 (1) *IN GENERAL.*—The following lands and
20 water shall be held in trust for the Tribe pursuant to
21 subsection (a):

22 (A) *Furnace Creek, Death Valley National*
23 *Park, California, an area of 313.99 acres for*
24 *community development, residential develop-*
25 *ment, historic restoration, and visitor-related*

1 *economic development, depicted as Tract 37 on*
2 *the map of Township 27 North, Range 1 East,*
3 *of the San Bernardino Meridian, California,*
4 *numbered Map #1 and dated December 2, 1999,*
5 *together with 92 acre feet per annum of surface*
6 *and ground water for the purposes associated*
7 *with the transfer of such lands. This area shall*
8 *include a 25-acre, nondevelopment zone at the*
9 *north end of the area and an Adobe Restoration*
10 *zone containing several historic adobe homes,*
11 *which shall be managed by the Tribe as a tribal*
12 *historic district.*

13 *(B) Death Valley Junction, California, an*
14 *area of approximately 1,000 acres, as generally*
15 *depicted on the map entitled “Death Valley*
16 *Junction, California”, numbered Map #2 and*
17 *dated April 12, 2000, together with 15.1 acre feet*
18 *per annum of ground water for the purposes as-*
19 *sociated with the transfer of such lands.*

20 *(C) Centennial, California, an area of ap-*
21 *proximately 640 acres, as generally depicted on*
22 *the map entitled “Centennial, California”, num-*
23 *bered Map #3 and dated April 12, 2000, to-*
24 *gether with an amount of ground water not to*

1 *exceed 10 acre feet per annum for the purposes*
2 *associated with the transfer of such lands.*

3 *(D) Scotty’s Junction, Nevada, an area of*
4 *approximately 2,800 acres, as generally depicted*
5 *on the map entitled “Scotty’s Junction, Ne-*
6 *vada”, numbered Map #4 and dated April 12,*
7 *2000, together with 375.5 acre feet per annum of*
8 *ground water for the purposes associated with*
9 *the transfer of such lands.*

10 *(E) Lida, Nevada, Community Parcel, an*
11 *area of approximately 3,000 acres, as generally*
12 *depicted on the map entitled “Lida, Nevada,*
13 *Community Parcel”, numbered Map #5 and*
14 *dated April 12, 2000, together with 14.7 acre feet*
15 *per annum of ground water for the purposes as-*
16 *sociated with the transfer of such lands.*

17 *(2) WATER RIGHTS.—The priority date of the*
18 *Federal water rights described in subparagraphs (A)*
19 *through (E) of paragraph (1) shall be the date of en-*
20 *actment of this Act, and such Federal water rights*
21 *shall be junior to Federal and State water rights ex-*
22 *isting on such date of enactment. Such Federal water*
23 *rights shall not be subject to relinquishment, forfeiture*
24 *or abandonment.*

1 (3) *LIMITATIONS ON FURNACE CREEK AREA DE-*
2 *VELOPMENT.—*

3 (A) *DEVELOPMENT.—Recognizing the mu-*
4 *tual interests and responsibilities of the Tribe*
5 *and the National Park Service in and for the*
6 *conservation and protection of the resources in*
7 *the area described in paragraph (1), development*
8 *in the area shall be limited to—*

9 (i) *for purposes of community and res-*
10 *idential development—*

11 (I) *a maximum of 50 single-fam-*
12 *ily residences; and*

13 (II) *a tribal community center*
14 *with space for tribal offices, recreation*
15 *facilities, a multipurpose room and*
16 *kitchen, and senior and youth facili-*
17 *ties;*

18 (ii) *for purposes of economic*
19 *development—*

20 (I) *a small-to-moderate desert inn;*

21 *and*

22 (II) *a tribal museum and cultural*
23 *center with a gift shop; and*

1 (iii) the infrastructure necessary to
2 support the level of development described in
3 clauses (i) and (ii).

4 (B) *EXCEPTION.*—Notwithstanding the pro-
5 visions of subparagraph (A)(ii), the National
6 Park Service and the Tribe are authorized to ne-
7 gotiate mutually agreed upon, visitor-related eco-
8 nomic development in lieu of the development set
9 forth in that subparagraph if such alternative
10 development will have no greater environmental
11 impact than the development set forth in that
12 subparagraph.

13 (C) *RIGHT-OF-WAY.*—The Tribe shall have a
14 right-of-way for ingress and egress on Highway
15 190 in California.

16 (4) *LIMITATIONS ON IMPACT ON MINING*
17 *CLAIMS.*—Nothing in this Act shall be construed as
18 terminating any valid mining claim existing on the
19 date of enactment of this Act on the land described in
20 paragraph (1)(E). Any person with such an existing
21 mining claim shall have all the rights incident to
22 mining claims, including the rights of ingress and
23 egress on the land described in paragraph (1)(E).
24 Any person with such an existing mining claim shall
25 have the right to occupy and use so much of the sur-

1 *face of the land as is required for all purposes reason-*
2 *ably necessary to mine and remove the minerals from*
3 *the land, including the removal of timber for mining*
4 *purposes. Such a mining claim shall terminate when*
5 *the claim is determined to be invalid or is abandoned.*

6 (c) *LEGAL DESCRIPTIONS.*—*Not later than 1 year*
7 *after the date of enactment of this Act, the Secretary shall*
8 *file a legal description of the areas described in subsection*
9 *(b) with the Committee on Resources of the House of Rep-*
10 *resentatives and with the Committee on Indian Affairs and*
11 *the Committee on Energy and Natural Resources of the Sen-*
12 *ate. Such legal description shall have the same force and*
13 *effect as if the information contained in the description*
14 *were included in that subsection except that the Secretary*
15 *may correct clerical and typographical errors in such legal*
16 *description and in the maps referred to in the legal descrip-*
17 *tion. The legal description shall be on file and available*
18 *for public inspection in the offices of the National Park*
19 *Service and the Bureau of Land Management.*

20 (d) *ADDITIONAL TRUST RESOURCES.*—*The Secretary*
21 *may purchase from willing sellers the following parcels and*
22 *appurtenant water rights, or the water rights separately,*
23 *to be taken into trust for the Tribe:*

24 (1) *Indian Rancheria Site, California, an area*
25 *of approximately 120 acres, as generally depicted on*

1 *the map entitled “Indian Rancheria Site, California”*
2 *numbered Map #6 and dated December 3, 1999.*

3 (2) *Lida Ranch, Nevada, an area of approxi-*
4 *mately 2,340 acres, as generally depicted on the map*
5 *entitled “Lida Ranch” numbered Map #7 and dated*
6 *April 6, 2000, or another parcel mutually agreed*
7 *upon by the Secretary and the Tribe.*

8 (e) *SPECIAL USE AREAS.—*

9 (1) *IN GENERAL.—The areas described in this*
10 *subsection shall be nonexclusive special use areas for*
11 *the Tribe, subject to other Federal law. Members of the*
12 *Tribe are authorized to use these areas for low im-*
13 *act, ecologically sustainable, traditional practices*
14 *pursuant to a jointly established management plan*
15 *mutually agreed upon by the Tribe, and by the Na-*
16 *tional Park Service or the Bureau of Land Manage-*
17 *ment, as appropriate. All maps referred to in para-*
18 *graph (4) shall be on file and available for public in-*
19 *spection in the offices of the National Park Service*
20 *and Bureau of Land Management.*

21 (2) *RECOGNITION OF THE HISTORY AND CUL-*
22 *TURE OF THE TRIBE.—In the special use areas, in*
23 *recognition of the significant contributions the Tribe*
24 *has made to the history, ecology, and culture of the*
25 *Park and to ensure that the visitor experience in the*

1 *Park will be enhanced by the increased and continued*
2 *presence of the Tribe, the Secretary shall permit the*
3 *Tribe's continued use of Park resources for traditional*
4 *tribal purposes, practices, and activities.*

5 (3) *RESOURCE USE BY THE TRIBE.—In the spe-*
6 *cial use areas, any use of Park resources by the Tribe*
7 *for traditional purposes, practices, and activities*
8 *shall not include the taking of wildlife and shall not*
9 *be in derogation of purposes and values for which the*
10 *Park was established.*

11 (4) *SPECIFIC AREAS.—The following areas are*
12 *designated special use areas pursuant to paragraph*
13 *(1):*

14 (A) *MESQUITE USE AREA.—The area gen-*
15 *erally depicted on the map entitled "Mesquite*
16 *Use Area" numbered Map #8 and dated April*
17 *12, 2000. The Tribe may use this area for proc-*
18 *essing mesquite using traditional plant manage-*
19 *ment techniques such as thinning, pruning, har-*
20 *vesting, removing excess sand, and removing ex-*
21 *otic species. The National Park Service may*
22 *limit and condition, but not prohibit entirely,*
23 *public use of this area or parts of this area, in*
24 *consultation with the Tribe. This area shall be*
25 *managed in accordance with the jointly estab-*

1 *lished management plan referred to in para-*
2 *graph (1).*

3 (B) *BUFFER AREA.*—*An area of approxi-*
4 *mately 1,500 acres, as generally depicted on the*
5 *map entitled “Buffer Area” numbered Map #8*
6 *and dated April 12, 2000. The National Park*
7 *Service shall restrict visitor use of this area to*
8 *protect the privacy of the Tribe and to provide*
9 *an opportunity for the Tribe to conduct commu-*
10 *nity affairs without undue disruption from the*
11 *public.*

12 (C) *TIMBISHA SHOSHONE NATURAL AND*
13 *CULTURAL PRESERVATION AREA.*—*An area that*
14 *primarily consists of Park lands and also a*
15 *small portion of Bureau of Land Management*
16 *land in California, as generally depicted on the*
17 *map entitled “Timbisha Shoshone Natural and*
18 *Cultural Preservation Area” numbered Map #9*
19 *and dated April 12, 2000.*

20 (5) *ADDITIONAL PROVISIONS.*—*With respect to*
21 *the Timbisha Shoshone Natural and Cultural Preser-*
22 *vation Area designated in paragraph (4)(C)—*

23 (A) *the Tribe may establish and maintain*
24 *a tribal resource management field office, garage,*
25 *and storage area, all within the area of the exist-*

1 *ing ranger station at Wildrose (existing as of the*
2 *date of enactment of this Act);*

3 *(B) the Tribe also may use traditional*
4 *camp for tribal members at Wildrose and*
5 *Hunter Mountain in accordance with the jointly*
6 *established management plan referred to in*
7 *paragraph (1);*

8 *(C) the area shall be depicted on maps of*
9 *the Park and Bureau of Land Management that*
10 *are provided for general visitor use;*

11 *(D) the National Park Service and the Bu-*
12 *reau of Land Management shall accommodate*
13 *access by the Tribe to and use by the Tribe of—*

14 *(i) the area (including portions de-*
15 *scribed in subparagraph (E)) for tradi-*
16 *tional cultural and religious activities, in a*
17 *manner consistent with the purpose and in-*
18 *tent of Public Law 95–341 (commonly*
19 *known as the “American Indian Religious*
20 *Freedom Act”)* (42 U.S.C. 1996 *et seq.*); *and*

21 *(ii) areas designated as wilderness (in-*
22 *cluding portions described in subparagraph*
23 *(E)), in a manner consistent with the pur-*
24 *pose and intent of the Wilderness Act (16*
25 *U.S.C. 1131 et seq.); and*

1 (E)(i) on the request of the Tribe, the Na-
2 tional Park Service and the Bureau of Land
3 Management shall temporarily close to the gen-
4 eral public, 1 or more specific portions of the
5 area in order to protect the privacy of tribal
6 members engaging in traditional cultural and
7 religious activities in those portions; and

8 (ii) any such closure shall be made in a
9 manner that affects the smallest practicable area
10 for the minimum period necessary for the pur-
11 poses described in clause (i).

12 (f) ACCESS AND USE.—Members of the Tribe shall have
13 the right to enter and use the Park without payment of any
14 fee for admission into the Park.

15 (g) ADMINISTRATION.—The trust lands shall constitute
16 the Timbisha Shoshone Reservation and shall be adminis-
17 tered pursuant to the laws and regulations applicable to
18 other Indian trust lands, except as otherwise provided in
19 this Act.

20 **SEC. 6. IMPLEMENTATION PROCESS.**

21 (a) GOVERNMENT-TO-GOVERNMENT AGREEMENTS.—
22 In order to fulfill the purposes of this Act and to establish
23 cooperative partnerships for purposes of this Act, the Na-
24 tional Park Service, the Bureau of Land Management, and
25 the Tribe shall enter into government-to-government con-

1 *sultations and shall develop protocols to review planned de-*
2 *velopment in the Park. The National Park Service and the*
3 *Bureau of Land Management are authorized to enter into*
4 *cooperative agreements with the Tribe for the purpose of*
5 *providing training on the interpretation, management, pro-*
6 *tection, and preservation of the natural and cultural re-*
7 *sources of the areas designated for special uses by the Tribe*
8 *in section 5(e)(4).*

9 **(b) STANDARDS.**—*The National Park Service and the*
10 *Tribe shall develop mutually agreed upon standards for*
11 *size, impact, and design for use in planning, resource pro-*
12 *tection, and development of the Furnace Creek area and for*
13 *the facilities at Wildrose. The standards shall be based on*
14 *standards for recognized best practices for environmental*
15 *sustainability and shall not be less restrictive than the envi-*
16 *ronmental standards applied within the National Park*
17 *System at any given time. Development in the area shall*
18 *be conducted in a manner consistent with the standards,*
19 *which shall be reviewed periodically and revised as nec-*
20 *essary.*

21 **SEC. 7. MISCELLANEOUS PROVISIONS.**

22 **(a) TRIBAL EMPLOYMENT.**—*In employing individuals*
23 *to perform any construction, maintenance, interpretation,*
24 *or other service in the Park, the Secretary shall, insofar*

1 *as practicable, give first preference to qualified members of*
 2 *the Tribe.*

3 (b) *GAMING.*—*Gaming as defined and regulated by the*
 4 *Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)*
 5 *shall be prohibited on trust lands within the Park.*

6 (c) *INITIAL RESERVATION.*—*Lands taken into trust for*
 7 *the Tribe pursuant to section 5, except for the Park land*
 8 *described in subsections (b)(1)(A) and (d)(1) of such section,*
 9 *shall be considered to be the Tribe’s initial reservation for*
 10 *purposes of section 20(b)(1)(B)(ii) of the Indian Gaming*
 11 *Regulatory Act (25 U.S.C. 2719(b)(1)(B)(ii)).*

12 (d) *TRIBAL JURISDICTION OVER TRUST LANDS.*—*All*
 13 *trust lands that are transferred under this Act and located*
 14 *within California shall be exempt from section 1162 of title*
 15 *18, United States Code, and section 1360 of title 28, United*
 16 *States Code, upon the certification by the Secretary, after*
 17 *consultation with the Attorney General, that the law en-*
 18 *forcement system in place for such lands will be adequate*
 19 *to provide for the public safety and the public interest, ex-*
 20 *cept that no such certification may take effect until the ex-*
 21 *piration of the 3-year period beginning on the date of enact-*
 22 *ment of this Act.*

23 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

24 *There are authorized to be appropriated to carry out*
 25 *this Act such sums as may be necessary.*

Calendar No. 661

106TH CONGRESS
2D SESSION

S. 2102

[Report No. 106-327]

A BILL

To provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland, and for other purposes.

JUNE 30, 2000

Reported with an amendment