

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5468

To provide for a Federal land exchange for the environmental, educational, and cultural benefit of the American public and the Eastern Band of Cherokee Indians, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2002

Mr. TAYLOR of North Carolina (for himself, Mr. JONES of North Carolina, Mr. KILDEE, and Mr. CARSON of Oklahoma) introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To provide for a Federal land exchange for the environmental, educational, and cultural benefit of the American public and the Eastern Band of Cherokee Indians, 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 “Eastern Band of Cher-  
5       okee Indians Land Exchange Act of 2002”.

6       **SEC. 2. FINDINGS AND PURPOSES.**

7       (a) FINDINGS.—Congress finds the following:

1           (1) Since time immemorial, the ancestors of the  
2 Eastern Band of Cherokee Indians have lived in the  
3 Great Smoky Mountains of North Carolina. The  
4 Eastern Band's ancestral homeland includes much  
5 of seven eastern States and the land that now con-  
6 stitutes the Great Smoky Mountains National Park.

7           (2) The Eastern Band has proposed a land ex-  
8 change with the National Park Service and has  
9 spent over \$1,500,000 for studies to thoroughly in-  
10 ventory the environmental and cultural resources of  
11 the proposed land exchange parcels.

12           (3) Such land exchange would benefit the  
13 American public by enabling the National Park  
14 Service to acquire the Yellow Face tract, comprising  
15 218 acres of land adjacent to the Blue Ridge Park-  
16 way.

17           (4) Acquisition of the Yellow Face tract for pro-  
18 tection by the National Park Service would serve the  
19 public interest by preserving important views for  
20 Blue Ridge Parkway visitors, preserving habitat for  
21 endangered species and threatened species including  
22 the northern flying squirrel and the rock gnome li-  
23 chen, preserving valuable high altitude wetland  
24 seeps, and preserving the property from rapidly ad-  
25 vancing residential development.

1           (5) The proposed land exchange would also ben-  
2           efit the Eastern Band by allowing it to reclaim the  
3           Ravensford tract, comprising 144 acres adjacent to  
4           the Tribe’s trust territory in Cherokee, North Caro-  
5           lina, and currently within the Great Smoky Moun-  
6           tains National Park. The Ravensford tract is part of  
7           the Tribe’s ancestral homeland as evidenced by ar-  
8           chaeological finds dating back no less than 6,000  
9           years.

10           (6) The Eastern Band has a critical need to re-  
11           place the current Cherokee Elementary School,  
12           which was built by the Department of the Interior  
13           over 40 years ago with a capacity of 480 students.  
14           The school now hosts 794 students in dilapidated  
15           buildings and mobile classrooms at a dangerous  
16           highway intersection in downtown Cherokee, North  
17           Carolina.

18           (7) The Eastern Band ultimately intends to  
19           build a new three-school campus to serve as an envi-  
20           ronmental, cultural, and educational “village,” where  
21           Cherokee language and culture can be taught along-  
22           side the standard curriculum.

23           (8) The land exchange and construction of this  
24           educational village will benefit the American public

1 by preserving Cherokee traditions and fostering a vi-  
2 brant, modern, and well-educated Indian nation.

3 (9) The land exchange will also reunify tribal  
4 lands now separated between the Big Cove Commu-  
5 nity and the balance of the Qualla Boundary, rees-  
6 tablishing the territorial integrity of the Eastern  
7 Band.

8 (10) The Ravensford tract contains no threat-  
9 ened species or endangered species listed pursuant  
10 to the Endangered Species Act of 1973. The 218-  
11 acre Yellow Face tract has a number of listed  
12 threatened species and endangered species and a  
13 higher appraised value than the 144-acre Ravensford  
14 tract.

15 (11) The Congress and the Department of the  
16 Interior have approved land exchanges in the past  
17 when the benefits to the public and requesting party  
18 are clear, as they are in this case.

19 (b) PURPOSES.—The purposes of this Act are the fol-  
20 lowing:

21 (1) To acquire the Yellow Face tract for protec-  
22 tion by the National Park Service, in order to pre-  
23 serve the Waterrock Knob area's spectacular views,  
24 pristine wetlands, and endangered species and  
25 threatened species from encroachment by housing

1 development, for the benefit and enjoyment of the  
2 American public.

3 (2) To transfer the Ravensford tract, to be held  
4 in trust by the Department of the Interior for the  
5 benefit of the Eastern Band of Cherokee Indians, in  
6 order to provide for an education facility that pro-  
7 motes the cultural integrity of the Eastern Band  
8 and to reunify two Cherokee communities that were  
9 historically contiguous.

10 (3) To promote cooperative activities and part-  
11 nerships between the Eastern Band and the Na-  
12 tional Park Service within the Eastern Band's an-  
13 cestral homelands.

14 **SEC. 3. LAND EXCHANGE.**

15 (a) IN GENERAL.—Within 90 days after the effective  
16 date of this Act, the Secretary of the Interior shall ex-  
17 change the Ravensford tract, currently in the Great  
18 Smoky Mountains National Park, for the Yellow Face  
19 tract adjacent to the Waterrock Knob Visitor Center on  
20 the Blue Ridge Parkway.

21 (b) TREATMENT OF EXCHANGED LANDS.—Effective  
22 upon receipt by the Secretary of a deed for the lands com-  
23 prising the Yellow Face tract (as described in subsection  
24 (c)) to the United States, all right, title, and interest of  
25 the United States in and to the Ravensford tract, (as de-

1 scribed in subsection (d)), including all improvements and  
2 appurtenances, are declared to be held in trust by the  
3 United States for the benefit of the Eastern Band of Cher-  
4 okee Indians as part of the Cherokee Indian Reservation.

5 (c) YELLOW FACE TRACT.—To effectuate this land  
6 exchange, the Eastern Band shall cause the following  
7 lands to be deeded to the United States. Parcels 88 and  
8 89 of the Hornbuckle Tract, Yellow Face Section, Qualla  
9 Township, Jackson County, North Carolina, consisting re-  
10 spectively of 110.4 and 108.2 acres more or less, together  
11 with all improvements and appurtenances thereto. The  
12 lands shall thereafter be included within the boundary of  
13 and managed as part of the Blue Ridge Parkway by the  
14 National Park Service.

15 (d) RAVENSFORD TRACT.—The lands declared by  
16 subsection (b) to be held in trust for the Eastern Band  
17 of Cherokee Indians are as follows: The tract currently  
18 located within the Great Smoky Mountains National Park  
19 and identified on Map No. 133/80020, entitled  
20 “Ravensford Land Exchange Tract”, as on file and avail-  
21 able for public inspection in the appropriate offices of the  
22 National Park Service and the Bureau of Indian Affairs,  
23 consisting of 144 acres more or less.

24 (e) LEGAL DESCRIPTIONS.—Not later than 1 year  
25 after the date of enactment of this Act, the Secretary of

1 the Interior shall file a legal description of the areas de-  
2 scribed in subsections (c) and (d) with the Committee on  
3 Resources of the House of Representatives and the Com-  
4 mittee on Indian Affairs and the Committee on Energy  
5 and Natural Resources of the Senate. Such legal descrip-  
6 tions shall have the same force and effect as if the infor-  
7 mation contained in the description were included in those  
8 subsections except that the Secretary may correct clerical  
9 and typographical errors in such legal descriptions. The  
10 legal descriptions shall be on file and available for public  
11 inspection in the offices of the National Park Service and  
12 the Bureau of Indian Affairs.

13 **SEC. 4. IMPLEMENTATION PROCESS.**

14 (a) GOVERNMENT-TO-GOVERNMENT AGREE-  
15 MENTS.—In order to fulfill the purposes of this Act and  
16 to establish cooperative partnerships for purposes of this  
17 Act the Director of the National Park Service and the  
18 Eastern Band of Cherokee Indians shall enter into govern-  
19 ment-to-government consultations and shall develop proto-  
20 cols to review planned construction on the Ravensford  
21 tract. The Director of the National Park Service is author-  
22 ized to enter into cooperative agreements with the Eastern  
23 Band for the purpose of providing training, management,  
24 protection, and preservation of the natural and cultural  
25 resources on the Ravensford tract.

1           (b) CONSTRUCTION STANDARDS.—The National  
2 Park Service and the Eastern Band shall develop mutually  
3 agreed upon standards for size, impact, and design of con-  
4 struction consistent with the purposes of this Act on the  
5 Ravensford tract. The standards shall be consistent with  
6 the Eastern Band’s need to develop educational facilities  
7 and support infrastructure adequate for current and fu-  
8 ture generations and shall otherwise minimize or mitigate  
9 any adverse impacts on natural or cultural resources. The  
10 standards shall be based on recognized best practices for  
11 environmental sustainability and shall be reviewed periodi-  
12 cally and revised as necessary. All development on the  
13 Ravensford tract shall be conducted in a manner con-  
14 sistent with such standards.

15           (c) TRIBAL EMPLOYMENT.—In employing individuals  
16 to perform any construction, maintenance, interpretation,  
17 or other service in the Great Smoky Mountains National  
18 Park, the Secretary of the Interior shall, insofar as prac-  
19 ticable, give first preference to qualified members of the  
20 Eastern Band.

21 **SEC. 5. GAMING PROHIBITION.**

22           Nothing in this Act shall be construed to satisfy the  
23 terms for an exception under section 20(b)(1) of the In-  
24 dian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)) to  
25 the prohibition on gaming on lands acquired by the Sec-



1   retary of the Interior in trust for the benefit of an Indian  
2   tribe after October 17, 1988, under section 20(a) of such  
3   Act (25 U.S.C. 2719(a)).

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