AN ACT

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Eastern Band of Cherokee Indians Land Exchange Act of 2003”.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Since time immemorial, the ancestors of the Eastern Band of Cherokee Indians have lived in the Great Smoky Mountains of North Carolina. The Eastern Band’s ancestral homeland includes substantial parts of seven eastern States and the land that now constitutes the Great Smoky Mountains National Park.

(2) The Eastern Band has proposed a land exchange with the National Park Service and has spent over $1,500,000 for studies to thoroughly inventory the environmental and cultural resources of the proposed land exchange parcels.

(3) Such land exchange would benefit the American public by enabling the National Park Service to acquire the Yellow Face tract, comprising 218 acres of land adjacent to the Blue Ridge Parkway.

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

(5) The proposed land exchange would also ben-
efit the Eastern Band by allowing it to acquire the
Ravensford tract, comprising 143 acres adjacent to
the Tribe’s trust territory in Cherokee, North Caro-
lina, and currently within the Great Smoky Moun-
tains National Park and Blue Ridge Parkway. The
Ravensford tract is part of the Tribe’s ancestral
homeland as evidenced by archaeological finds dat-
ing back no less than 6,000 years.

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

(7) The Eastern Band ultimately intends to
build a new three-school campus to serve as an envi-
rmental, cultural, and educational “village,” where
Cherokee language and culture can be taught alongside the standard curriculum.

(8) The land exchange and construction of this educational village will benefit the American public by preserving Cherokee traditions and fostering a vibrant, modern, and well-educated Indian nation.

(9) The land exchange will also reunify tribal reservation lands now separated between the Big Cove Community and the balance of the Qualla Boundary, reestablishing the territorial integrity of the Eastern Band.

(10) The Ravensford tract contains no threatened species or endangered species listed pursuant to the Endangered Species Act of 1973. The 218-acre Yellow Face tract has a number of listed threatened species and endangered species and a higher appraised value than the 143-acre Ravensford tract.

(11) The American public will benefit from the Eastern Band’s commitment to mitigate any impacts on natural and cultural resources on the Ravensford tract, by among other things reducing the requested acreage from 168 to 143 acres.

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

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

(1) To acquire the Yellow Face tract for protec-
tion by the National Park Service, in order to pre-
serve the Waterrock Knob area’s spectacular views,
endangered species and high altitude wetland seeps
from encroachment by housing development, for the
benefit and enjoyment of the American public.

(2) To transfer the Ravensford tract, to be held
in trust by the United States for the benefit of the
Eastern Band of Cherokee Indians, in order to pro-
vide for an education facility that promotes the cul-
tural integrity of the Eastern Band and to reunify
two Cherokee communities that were historically
contiguous, while mitigating any impacts on natural
and cultural resources on the tract.

(3) To promote cooperative activities and part-
erships between the Eastern band and the National
Park Service within the Eastern Band’s ancestral
homelands.

SEC. 3. LAND EXCHANGE.

(a) IN GENERAL.—The Secretary of the Interior
(“Secretary”) shall exchange the Ravensford tract, cur-
rently in the Great Smoky Mountains National Park and the Blue Ridge Parkway, for the Yellow Face tract adja-
cent to the Waterrock Knob Visitor Center on the Blue Ridge Parkway.

(b) TREATMENT OF EXCHANGED LANDS.—Effective upon receipt by the Secretary of a deed or deeds satisfac-
tory to the Secretary for the lands comprising the Yellow Face tract (as described in subsection (c)) to the United States, all right, title, and interest of the United States in and to the Ravensford tract (as described in subsection (d)), including all improvements and appurtenances, are declared to be held in trust by the United States for the benefit of the Eastern Band of Cherokee Indians as part of the Cherokee Indian Reservation.

(c) YELLOW FACE TRACT.—The Yellow Face tract shall contain Parcels 88 and 89 of the Hornbuckle Tract, Yellow Face Section, Qualla Township, Jackson County, North Carolina, which consist altogether of approximately 218 acres and are depicted as the “Yellow Face Tract” on the map entitled “Land Exchange Between the Na
tional Park Service and the Eastern Band of Cherokee Indians,” numbered 133/80020A, and dated November 2002. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Bureau of Indian Affairs. Upon comple-
tion of the land exchange, the Secretary shall adjust the
boundary of the Blue Ridge Parkway to include such lands
and shall manage the lands as part of the parkway.

(d) RAVENSFORD TRACT.—The lands declared by
subsection (b) to be held in trust for the Eastern Band
of Cherokee Indians shall consist of approximately 143
acres depicted as the “Ravensford Tract” on the map
identified in subsection (c). Upon completion of the land
exchange, the Secretary shall adjust the boundaries of
Great Smoky Mountains National Park and the Blue
Ridge Parkway to exclude such lands.

(e) LEGAL DESCRIPTIONS.—Not later than 1 year
after the date of enactment of this Act, the Secretary of
the Interior shall file a legal description of the areas de-
scribed in subsections (c) and (d) with the Committee on
Resources of the House of Representatives and the Com-
mittee on Indian Affairs and the Committee on Energy
and Natural Resources of the Senate. Such legal descrip-
tions shall have the same force and effect as if the infor-
mation contained in the description were included in those
subsections except that the Secretary may correct clerical
and typographical errors in such legal descriptions. The
legal descriptions shall be on file and available for public
inspection in the offices of the National Park Service and
the Bureau of Indian Affairs.
SEC. 4. IMPLEMENTATION PROCESS.

(a) Government-to-Government Agreements.—In order to fulfill the purposes of this Act and to establish cooperative partnerships for purposes of this Act the Director of the National Park Service and the Eastern Band of Cherokee Indians shall enter into government-to-government consultations and shall develop protocols to review planned construction on the Ravensford tract. The Director of the National Park Service is authorized to enter into cooperative agreements with the Eastern Band for the purpose of providing training, management, protection, preservation, and interpretation of the natural and cultural resources on the Ravensford tract.

(b) Construction Standards.—Recognizing the mutual interests and responsibilities of the Eastern Band of Cherokee Indians and the National Park Service for the conservation and protection of the resources on the Ravensford tract, the National Park Service and the Eastern Band shall develop mutually agreed upon standards for size, impact, and design of construction consistent with the purposes of this Act on the Ravensford tract. The standards shall be consistent with the Eastern Band’s need to develop educational facilities and support infrastructure adequate for current and future generations and shall otherwise minimize or mitigate any adverse impacts on natural or cultural resources. The standards shall be
based on recognized best practices for environmental sustain-ability and shall be reviewed periodically and revised as necessary. Development of the tract shall be limited to a road and utility corridor, an educational campus, and the infrastructure necessary to support such development. No new structures shall be constructed on the part of the Ravensford tract depicted as the “No New Construction” area on the map referred to in Section 3(c), which is generally the area north of the point where Big Cove Road crosses the Raven Fork River. All development on the Ravensford tract shall be conducted in a manner consistent with this section and such development standards.

SEC. 5. GAMING PROHIBITION.

Gaming as defined and regulated by the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall be prohibited on the Ravensford tract.


Attest: JEFF TRANDAHL,

Clerk.