Public Law 98-219
98th Congress

An Act

To declare certain lands to be held in trust for the benefit of the Paiute Indian Tribe of Utah, and for other purposes.

Feb. 17, 1984
[H.R. 2898]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Subject to subsection (d), all right, title, and interest of the United States in the lands described in subsection (b) (including all improvements thereon and appurtenances thereto) are declared to be held in trust by the United States for the benefit of the respective bands of the Paiute Indian Tribe of Utah, as provided in subsection (b), and are declared to be part of the reservation of the Paiute Indian Tribe of Utah.

25 USC 766 note.

(b) The lands subject to this section are parcels 1 through 5 of the lands depicted on the maps contained in the draft document entitled "Proposed Paiute Indian Tribe of Utah Reservation Plan", dated January 24, 1982, and published by the United States Department of the Interior, Bureau of Indian Affairs. Upon enactment of this Act, the Secretary shall publish in the Federal Register the legal description of the lands so depicted. The Secretary is authorized to correct any technical errors in the descriptions of the subject lands. Such lands shall be held as follows:

Federal Register, publication.

(1) To be held in trust for the Kanosh Band of the Paiute Tribe of Utah: Parcel numbered 2, figure 5, page 95, containing approximately five hundred and sixty acres; parcel numbered 3, figure 6, page 99, containing approximately five hundred and two acres.

(2) To be held in trust for the Koosharem Band of the Paiute Tribe of Utah: Parcel numbered 4, figure 7, page 105, containing approximately five hundred and twenty acres; parcel numbered 5, figure 8, page 111, containing approximately seven hundred and fifteen acres.

(3) To be held in trust for the Cedar City Band of the Paiute Tribe of Utah: That portion of parcel numbered 1, figure 4, page 85, containing approximately two thousand forty-four acres.

(4) To be held in trust for the Indian Peaks Band of the Paiute Indian Tribe of Utah: That portion of parcel numbered 1, figure 4, page 85, containing approximately four hundred and twenty-four acres.

(c) Nothing in this section shall deprive any person of any existing legal right-of-way, mining claim, grazing permit, water right, or other right or interest which such person may have in the lands described in subsection (b).

(d) Pursuant to the Act of June 14, 1934 (48 Stat. 985), the Secretary shall acquire, to the extent available, easements to and water rights for the lands described in subsection (b) as necessary for their use.

Water.
25 USC 464, 465.

(e) The Secretary shall consult with the town council of Joseph, Utah, and other appropriate local governmental entities prior to

Pollution.

permitting the introduction of any point source of contamination pursuant to any proposed development on parcel numbered 4 as described in subsection (b)(2). The Secretary shall require a minimum of one thousand five hundred feet distance be maintained from the town well of the town of Joseph and any such point source of contamination and may, if he determines it is necessary to prevent contamination of said well, require the installation of an appropriate waste water disposal system as part of any proposed development on parcel 4.

(f) Upon the effective date of this Act, all valid leases, permits, rights-of-way, or other land use rights or authorizations, except mining claims, existing on the date of enactment of this Act in the lands described in subsection (b), including the right to receive compensation for use of the lands, shall cease to be the responsibility of, or enure to the benefit of, the United States, and shall become the responsibility of the Paiute Indian Tribe which shall succeed to the interests of the United States and shall continue to maintain them under the same terms and conditions as they were maintained by the United States.

(g) All improvements on the lands described in subsection (b) in existence on the effective date of the Act, under the authority of the land use rights or authorizations described in subsection (c), shall remain in the same status as to ownership and right of use as existed prior to the date of enactment of this Act.

(h) Nothing in this Act shall be construed as terminating any valid mining claim existing on the date of enactment of this Act on the lands described in subsection (b).

Mining claims.

(i) The mining claims described in subsection (c) shall carry all the rights incident to mining claims, including the rights of ingress and egress over the land described in subsection (b). Such mining claims shall carry the right to occupy and use so much of the surface of the land within their boundaries as is required for all purposes reasonably necessary to mine and remove the minerals, including the removal of timber for mining purposes. Such mining claims shall terminate when they are determined invalid under subsection (j) or are abandoned.

(j) As soon as possible after enactment of this Act, the Secretary of the Interior shall determine the validity of the mining claims described in subsection (h) as of the date of enactment of this Act. Those mining claims which the Secretary determines to be valid shall be maintained thereafter in compliance with the mining laws of the United States but the holders of such claims shall not be entitled to a patent.

(k) Nothing in this Act shall prevent the Paiute Indian Tribe from negotiating the accommodation of land use rights or authorizations described in this section through any method acceptable to the parties.

25 USC 766 note.

SEC. 2. The lands which are declared to be held in trust for the benefit of the tribe or bands under this Act shall be subject to the laws of the United States relating to Indian land to the same extent and in the same manner as the lands comprising the reservation of the tribe or bands on the day before the date of the enactment of this Act.

National Forest System.
25 USC 766 note.

SEC. 3. (a) The Secretary of Agriculture shall not deny the tribe or any member of the tribe the right to use and occupy, on a nonexclusive basis, the national forest land described in subsection (b) for religious and ceremonial purposes for such periods of time and

under such reasonable terms and conditions as the Secretary may prescribe: *Provided,* That the Secretary shall permit the tribe to use and occupy, on an exclusive basis, so much of the national forest land in subsection (b) abutting Fish Lake as is necessary for such religious and ceremonial purposes during and including the second and third weeks of June and the first and second weeks of September of each year, under such reasonable terms and conditions as the Secretary may prescribe.

(b) The land referred to in subsection (a) is the parcel of land depicted on the map contained in the document entitled "Proposed Paiute Indian Tribe of Utah Reservation Plan", dated January 24, 1982, and published by the United States Department of the Interior, Bureau of Indian Affairs, as follows: Parcel numbered 6: Fish Lake; figure 9, page 117.

SEC. 4. (a) There is hereby established in the Treasury of the United States a fund to be known as the Paiute Indian Tribe of Utah Economic Development and Tribal Government Fund. This Fund shall be held in trust for the benefit of the tribe and administered in accordance with this Act. 25 USC 766 note.

(b)(1) One-half of the principal of the Fund shall be designated as the Economic Development Fund and the remaining one-half as the Tribal Government Fund. Each portion of the Fund shall be administered by the Secretary in accordance with reasonable terms established by the tribe and agreed to by the Secretary. The Secretary shall not agree to terms which provide for the investment of the Fund in a manner not in accordance with section 1 of the Act of June 24, 1938 (52 Stat. 1037), unless the tribe first submits a specific waiver of liability on the part of the United States for any loss which may result from such an investment. Until such terms have been agreed upon, the Secretary shall fix the terms for the administration of any portion of the Fund as to which there is no agreement. 25 USC 162a.

(2) Under no circumstances shall any part of the principal of the Fund be distributed to the tribe, or to any member of the tribe, nor shall income accruing to the Fund be used for per capita payments to any member of the tribe.

(3) The Secretary shall make available to the tribe in quarterly payments, without any deductions, any income received from the investment of each fund. The use of the income from the Tribal Government Fund shall be free of regulation by the Secretary. The use of the income from the Economic Development Fund shall be consistent with an economic development plan developed by the tribe and approved by the Secretary. The Secretary shall approve such plan within sixty days of its submission if he finds that it is reasonably related to the economic development of the tribe. If the Secretary does not approve such plan, he shall, at the time of his decision, set forth in writing the reasons for his disapproval. With the approval of the Secretary, the tribe may alter the economic development plan subject to the conditions set forth in this section.

(c) There is authorized to be appropriated in fiscal year 1985 the sum of $2,500,000, which shall be deposited in the Fund. Not more than 5 per centum of any amount appropriated to the Fund under this section may be obligated or spent by the tribe under any contract or agreement relating to the employment of legal counsel. Appropriation authorization.

(d) The transfer of the approximately four thousand seven hundred and seventy acres of land and the appropriation of the $2,500,000 authorized by this Act shall be in complete fulfillment of

25 USC 761 note.

the provisions of Public Law 96-227 relating to the enlargement of the tribe's reservation.

25 USC 766 note.

SEC. 5. For purposes of this Act—

(1) the term "tribe" means the Cedar City, Shivwits, Kanosh, Koosharem, and Indian Peaks Bands of Paiute Indians of Utah; and

(2) except where otherwise specified, the term "Secretary" means the Secretary of the Interior.

SEC. 6. The plan for the use or distribution of funds awarded the Creek Nation in docket numbers 169 and 272 before the Indian Claims Commission and in docket numbers 277 and 309-74 before the United States Court of Claims, and the plan for the use and distribution of funds awarded the Sisseston-Wahpeton Sioux in docket numbered 363 before the United States Court of Claims, which were submitted to the Congress by the Department of the Interior for consideration under the provisions of the Judgment Fund Distribution Act of 1973 (87 Stat. 466; 25 U.S.C. 1401 et seq.) are hereby declared to be valid and effective as of the date of enactment of this Act and such plans are declared to have been validly submitted and are exempted from any further review.

Approved February 17, 1984.

LEGISLATIVE HISTORY—H.R. 2898:

HOUSE REPORT No. 98-414 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD:
Vol. 129 (1983): Oct. 24, considered and passed House.
Nov. 18, considered and passed Senate, amended.
Vol. 130 (1984): Feb. 7, House concurred in Senate amendment.