

Bill 2 of 50

GPO's PDF version of this bill	References to this bill in the Congressional Record	Link to the Bill Summary & Status file.	Full Display - 11,826 bytes. [Help]
--	--	---	--

To provide for and approve the settlement of certain land claims of the Bay Mills Indian Community and the Sault Ste. Marie Tribe of Chippewa Indians. (Introduced in the House)

HR 2495 IH

107th CONGRESS
1st Session
H. R. 2495

To provide for and approve the settlement of certain land claims of the Bay Mills Indian Community and the Sault Ste. Marie Tribe of Chippewa Indians.

IN THE HOUSE OF REPRESENTATIVES

July 12, 2001

Mr. STUPAK introduced the following bill; which was referred to the Committee on Resources

A BILL

To provide for and approve the settlement of certain land claims of the Bay Mills Indian Community and the Sault Ste. Marie Tribe of Chippewa Indians.

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

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS- Congress finds that--

- (1) the Bay Mills Indian Community has a valid interest in certain lands in the **Charlotte Beach** area of Chippewa County, Michigan, that are located within the Community's traditional homelands;
- (2) the Sault Ste. Marie Tribe .."(may)".. have a valid interest in certain lands in the **Charlotte Beach** area of Chippewa County, Michigan, that are located within the Tribe's traditional homelands;
- (3) the Community filed a lawsuit against certain landowners to ascertain ownership of lands that were once owned and held in trust by the State of Michigan for the Community but which were sold by the State without the consent of the Tribes or the United States;

- (4) the landowners now hold clouded title to such lands and want to clear their title to the lands;
 - (5) the Community has agreed to relinquish its interests in the **Charlotte Beach** Lands in return for its selection of Alternative Lands that will be taken into trust by the Secretary;
 - (6) the Sault Ste. Marie Tribe has agreed not to assert its "potential claim" of interest in the **Charlotte Beach** Lands in return for its selection of Alternative Lands that will be taken into trust by the Secretary;
 - (7) it is in the best interests of the Tribes and legally necessary for the landowners that the Congress provide for a land settlement agreement by passage of this Act; and
 - (8) it is in the best interests of the Tribes that the described Alternative Lands be taken into trust as part of the settlement of the land claim.
- (b) PURPOSES- The purposes of this Act are--
- (1) to settle the land claims of the Tribes against the landowners; and
 - (2) to direct the Secretary to take into trust for the benefit of the Tribes the Alternative Lands in settlement of the Tribes' land claims.

SEC. 2. DEFINITIONS.

For purposes of this Act, the following definitions apply:

- (1) ALTERNATIVE LANDS- The term 'Alternative Lands' means the following:
 - (A) The lands chosen and acquired by the Community for transfer to the United States to be held in trust for the Community as part of the settlement of the claims of the Community to the **Charlotte Beach** Lands. These Alternative Lands, comprising 21.55 acres, more or less, are located in Vanderbilt, Michigan, and are more particularly described as a parcel of land on part of the NW 1/4 Section 22, T32N, R3W, Village of Vanderbilt, Otsego County, Michigan, described as beginning at the northwest corner of said Section 22; thence S88°15'18"E, 1321.66 along the north line of said Section 22; thence S00°06'15"E, 271.37 along the westerly 1/8 line of said Section 22; thence 511.42 along a curve to the left, said curve having a radius of 5844.58, delta angle of 5°00'48", a long chord of 511.26, bearing S22°58'20"W, along the Westerly line of limited access highway I-75; thence N88°15'18"W, 1121.33; thence N00°05'27"W, 748.19 to the point of beginning, containing 21.55 acres more or less and being subject to highway easements of varying widths as shown on attached Certificate of Survey, also subject to any other easements or restrictions of record, if any, Otsego County Records.
 - (B) The lands chosen and acquired by the Sault Tribe for transfer to the United States in trust for the Sault Tribe as a part of the settlement of the "potential" claims of the Sault Tribe to the **Charlotte Beach** Lands. These Alternative Lands--
 - (i) shall comprise a single parcel not to exceed 25 acres;
 - (ii) shall be located within the exterior boundaries of the State of Michigan;

(iii) shall be located north of the boundary formed by beginning on the shore of Lake Huron directly east of Michigan State Highway 46, then heading west to the eastern most point of Michigan State Highway 46, then heading westerly on Michigan State Highway 46, then heading southerly on Michigan State Highway 13, then heading westerly on Michigan State Highway 21 to the westernmost point of Michigan State Highway 21, then heading westerly to the easternmost point of Michigan State Highway 45, then heading westerly on Michigan State Highway 45 to the westernmost point of Michigan State Highway 45 to the shore of Lake Michigan;

(iv) shall not be located closer than 25 miles from the Alternative Lands described in subparagraph (A) and lands that are held in trust for any tribe other than the Sault Tribe on the date of the enactment of this Act; and

(v) shall be located within lands previously ceded to the United States Government by the Ottawa and Chippewa nations of Indians under the Treaty of March 28, 1836 (7 Stat. 491).

(2) **CHARLOTTE BEACH LANDS**- The term `Charlotte Beach Lands' means those lands in the **Charlotte Beach** area of Michigan and described as follows: Government Lots 1, 2, 3, and 4 of section 7, T45N, R2E, and Lot 1 of section 18, T45N, R2E, Chippewa County, State of Michigan.

(3) **COMMUNITY**- The term `Community' means the Bay Mills Indian Community, a federally recognized Indian tribe.

(4) **SAULT TRIBE**- The term `Sault Tribe' means the Sault Ste. Marie Tribe of Chippewa Indians, a federally recognized Indian tribe.

(5) **SECRETARY**- The term `Secretary' means the Secretary of the Interior.

(6) **TRIBES**- The term `Tribes' means the Community and the Sault Tribe.

SEC. 3. ACCEPTANCE OF ALTERNATIVE LANDS.

(a) **BY THE COMMUNITY**- Upon relinquishment by the Community of any and all claims to the **Charlotte Beach** Lands and dismissal with prejudice of Bay Mills Indian Community v. Western Life Assurance Company et al., Case No. 2:96-CV-275, United States District Court for the Western District of Michigan-Northern Division and Bay Mills Indian Community v. State of Michigan et al., Michigan Court of Claims, File No. 96-16482-CM--

(1) the Secretary shall take the Alternative Lands described in section 2(1)(A) into trust for the benefit of the Community as part of the settlement of the Community's claims to the **Charlotte Beach** Lands; and

(2) the Alternative Lands described in section 2(1)(A) shall become part of the Community's reservation.

(b) **BY THE SAULT TRIBE**- The Secretary shall take the Alternative Lands described in section 2(1)(B) into trust for the benefit of the Sault Tribe as settlement of the Sault Tribe's claims to the **Charlotte Beach** Lands. Upon the taking of the Alternative Lands into trust, any and all potential claims of the Sault Tribe in and to the **Charlotte Beach**

Lands shall be relinquished and extinguished thereby, and the lands taken into trust shall become part of the Sault Tribe's reservation.

(c) SETTLEMENT OF LAND CLAIMS- The Alternative Lands are taken into trust as provided in this section as part of the settlement of land claims of the Tribes within the meaning of section 20(b)(1)(B)(i) of Public Law 100-497.

SEC. 4. EXTINGUISHMENT OF TITLE AND CLAIMS.

(a) APPROVAL AND RATIFICATION OF PRIOR TRANSFERS- Any transfer, before the date of the enactment of this Act, of land or natural resources located within the boundaries of the **Charlotte Beach** Lands from, by, or on behalf of any Indian, Indian nation, or tribe or band of Indians "(including the 2 bands of the Sault Ste. Marie Ottawa and Chippewa Indians of Michigan of which O-shaw-wan-no and Sha-wan were chiefs)" or "any member thereof", shall be deemed to have been made in accordance with the Constitution and all laws of the United States, including without limitation, the Trade and Intercourse Act of 1790, Act of July 22, 1790 (ch. 33, sec. 4; 1 Stat. 137), and Congress hereby does approve and ratify such transfers effective as of the date of such transfers.

(b) ABORIGINAL TITLE EXTINGUISHED-

(1) IN GENERAL- Except as provided by paragraph (2), any aboriginal title held by any Indian,

Indian nation, or tribe or band of Indians "(including the 2 bands of the Sault Ste. Marie Ottawa and Chippewa Indians of Michigan of which O-shaw-wan-no and Sha-wan were chiefs and their members)" to any land or natural resources, the transfer of which was approved and ratified by subsection (a), shall be regarded as extinguished as of the date of such transfer.

(2) THE TRIBES- To the extent that the **Charlotte Beach** Lands involve land or natural resources to which the Tribes had aboriginal title, relinquishment by the Tribes under section 3 shall be regarded as an extinguishment of such aboriginal title.

(c) EXTINGUISHMENT OF CLAIMS-

(1) IN GENERAL- Except as provided by paragraph (2), any claim (including any claim for damages for trespass, use, or occupancy) by, or on behalf of, any member of any Indian, Indian nation, or tribe or band of Indians "(including the 2 bands of the Sault Ste. Marie Ottawa and Chippewa Indians of Michigan of which O-shaw-wan-no and Sha-wan were chiefs)" or any member thereof against the United States, any State or subdivision thereof or any other person which is based on--

(A) any interest in or right involving any land or natural resources of which was approved and ratified by subsection (a); or

(B) any aboriginal title to land or natural resources the extinguishment of which was effected by subsection (b),

shall be regarded as extinguished as of the date of any such transfer.

(2) THE TRIBES- Any transfer of land within the State of Michigan to the Secretary to be taken in trust for the Community or the Sault Tribe under this Act shall be conditioned upon the Secretary's receipt of duly enacted resolutions of the

elected tribal council of the Community and the Sault Tribe agreeing to the extinguishment of all claims against the United States, the State of Michigan or any subdivision thereof, or any person or entity by the Community or the Sault Tribe based on the claims to the Charlotte Beach Lands (including without limitation, claims for trespass damages, use, or occupancy) as provided in this Act, and agreeing to the extinguishment of any claims against the United States based on the enactment of this Act. The extinguishment of these claims is in consideration for the benefits to the Community and the Sault Tribe under this Act.