

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Resolution of the Hoopa Valley Tribe

Wednesday, December 7, 1988

***49361** AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Hoopa Valley Tribe of the Hoopa Valley Indian Reservation, Hoopa, California, is required under the Hoopa-Yurok Settlement Act of October 31, 1988 (102 Stat. 2924) to adopt and transmit to the Secretary of the Interior a tribal resolution waiving any claim such tribe may have against the United States arising out of the provisions of the Act, and affirming tribal consent to the contribution of Hoopa Escrow monies to the Settlement Fund, and for their use as payments to the Yurok Tribe, and to individual Yuroks, as provided in the Act. In accordance with the Settlement Act, the resolution is to be published in the Federal Register. Effective with such publication the joint reservation shall be partitioned as provided in the Act.

DATE: The Settlement Act requires that the tribal resolution be published in the Federal Register within 60 days after the date of enactment of the Settlement Act.

FOR FURTHER INFORMATION CONTACT: Northern California Agency, Bureau of Indian Affairs, P.O. Box 494879, Redding, California, 96049-4879, telephone number: (916) 246-5141.

SUPPLEMENTARY INFORMATION: This notice is published in exercise of the authority delegated by the Secretary of the Interior to the Assistant Secretary--Indian Affairs in the Departmental Manual at 209 DM 8.

Pursuant to the Hoopa-Yurok Settlement Act of October 31, 1988 (102 Stat. 2924), Section 2(a)2(B), this is official notification that the Hoopa Valley Tribe has adopted a valid resolution which meets the requirements of section 2(a)2(A) of the Act, and said resolution reads as follows:

"RESOLUTION OF THE HOOPA VALLEY TRIBE
HOOPA VALLEY INDIAN RESERVATION
HOOPA VALLEY, CALIFORNIA
RESOLUTION NO: 88-115

DATE APPROVED: November 28, 1988

SUBJECT: WAIVER OF CERTAIN CLAIMS AND CONSENT TO USES OF TRIBAL FUNDS PURSUANT TO THE HOOPA-YUROK SETTLEMENT ACT

WHEREAS: The Hoopa Valley Business Council is the governing body of the Hoopa Valley Tribe under a Constitution and Bylaws approved by the Commissioner of Indian Affairs on August 18, 1972; and

WHEREAS: The Jessie Short case stated that the Hoopa Valley Reservation as extended is a single reservation in which tribes lack vested rights, and accordingly the court imposed liability on the United States for past per capita distributions of revenue from the Hoopa Square which went to Hoopa Valley tribal members only; and

WHEREAS: The Puzz case has interpreted Short and applicable law in a manner which prohibits the Hoopa Valley Tribe from exercising territorial management powers over the Hoopa Square and has crippled the power of the Hoopa Valley Business Council to exercise the authorities granted under the Tribe's Constitution to administer tribal property, to expend tribal funds, to protect tribal resources, to govern non-members and generally to safeguard and promote the peace, safety and general welfare of the Hoopa Valley Tribe; and

WHEREAS: The Hoopa people have petitioned the United States Congress to enact a law confirming the Hoopa Square as the property of the Hoopa Valley Tribe and reinforcing the governmental power of the Hoopa Valley Business Council pursuant to its Constitution; and

WHEREAS: On April 26, 1988, Representative Doug Bosco introduced H.R. 4469 which, after hearings, negotiations and introduction of substitute bills, was enacted as the Hoopa-Yurok Settlement Act on October 31, 1988; and

WHEREAS: Section 2(a)(2)(A) of the Act provides:

(A) The partition of the joint reservation as provided in this subparagraph, and the ratification and confirmation as provided by section 8, shall not become effective unless, within 60 days after the date of the enactment of this Act, the Hoopa Valley Tribe shall adopt, and transmit to the Secretary a tribal resolution:

- (i) Waiving any claim such tribe may have against the United States arising out of the provisions of this Act, and
- (ii) Affirming tribal consent to the contribution of Hoopa Escrow monies to the Settlement Fund, and for their use as payments to the Yurok Tribe, and to individual Yuroks, as provided in this Act.

WHEREAS: The Senate Report accompanying the Act states that the waiver required by the Act does not prevent the Hoopa Valley Tribe "from enforcing rights or obligations created by this Act", S. Rep. 100-564 at 17; and

WHEREAS: The Hoopa Valley Business Council has fully considered the claims to be waived and the consent to be granted and has balanced them against the benefits offered to the Hoopa Valley Tribe under the Act including, under Section 2, the "partition of the joint reservation" so that "the unallotted trust lands and assets of the [new] Hoopa Valley Reservation shall thereafter be held in trust by the United States for the benefit of the Hoopa Valley Tribe" and, under Section 8, a declaration that "the existing governing documents of the Hoopa Valley Tribe and the governing body established and elected thereunder, as heretofore recognized by the Secretary, are hereby ratified and confirmed," and has concluded that the Tribe would best be served by complying with Section 2(a) of the Act; and

WHEREAS: The Hoopa Valley Business Council has consulted with the members of the Hoopa Valley Tribe in a duly-noticed General Meeting held on November 12, 1988, and in previous General Meetings, and has been reassured and directed by the membership to comply with the Act; and

WHEREAS: The Hoopa Valley Business Council has carefully considered the Tribe's Constitution and other tribal law and custom concerning the method by which the resolution

called for by the Act should be enacted;

NOW THEREFORE BE IT RESOLVED: That the Hoopa Valley Business Council has the power under the Constitution and Bylaws of the Hoopa Valley Tribe to approve and enact the resolution required by Section 2(a) of the Hoopa-Yurok Settlement Act; and

BE IT FURTHER RESOLVED: That this resolution is not intended, and shall not be construed, so as to prevent the Hoopa Valley Tribe from enforcing rights and obligations created by the Hoopa-Yurok Settlement Act, see S. Rep. 100-564 at 17; and

BE IT FURTHER RESOLVED: That the Hoopa Valley Tribe hereby waives any claim the Hoopa Valley Tribe may have against the United States arising out of *49362 the provisions of the Hoopa-Yurok Settlement Act; and

BE IT FURTHER RESOLVED: That the Hoopa Valley Tribe affirms tribal consent to the contribution of Hoopa Escrow moneys to the settlement fund and for their use as payments to the Yurok Tribe, and to individual Yuroks, as provided in the Hoopa-Yurok Settlement Act; and

BE IT FURTHER RESOLVED: That the Chairman and Secretary of the Hoopa Valley Business Council are hereby authorized, directed and empowered to sign the resolution for and on behalf of the Hoopa Valley Tribe as its act and deed.

C E R T I F I C A T I O N

I, the undersigned, as Chairman of the Hoopa Valley Business Council, do hereby certify that the Hoopa Valley Business Council is composed of eight members, of which 6 were present, constituting a quorum, at a special meeting thereof, duly and specially called, noticed, convened, and held this 28th day of November, 1988, and that this resolution was adopted by a vote of 5 FOR with 0 AGAINST; and that said resolution has not been rescinded or amended in any way.
DATED THIS 28TH DAY OF NOVEMBER, 1988.

/S/ JASPER A. HOSTLER, FOR WILFRED K. COLEGROVE, CHAIRMAN HOOPA VALLEY BUSINESS COUNCIL ATTEST: DEIRDRE R. YOUNG, TRIBAL SECRETARY, HOOPA VALLEY BUSINESS COUNCIL.

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Donald F. Asbra,

Acting Assistant Secretary--Indian Affairs.

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