



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

APR 18 1992

Honorable Dale Risling, Sr.
Chairman, Hoopa Valley
Tribal Council
P.O. Box 1348
Hoopa, California 95546

Dear Chairman Risling:

Thank you for your letter of March 12, 1992, concerning the Yurok Interim Council's decision to file Yurok Tribe v. United States in the U.S. Claims Court.

The Hoopa-Yurok Settlement Act, 25 U.S.C. § 1300i-8(d)(2)(i), authorizes the Interim Council to adopt a resolution waiving any claim the Yurok Tribe may have against the United States arising out of the provisions of the Settlement Act. Section 2(c)(4) of the Settlement Act, 25 U.S.C. § 1300i-1(c)(4), spells out the consequences to the Yurok Tribe of refusing to adopt such a resolution. It provides as follows:

The --

- (A) apportionment of funds to the Yurok Tribe as provided in sections 1300i-3 and 1300i-6 of this title;
 - (B) the land transfers pursuant to paragraph (2);
 - (C) the land acquisition authorities in paragraph (3); and
 - (D) the organizational authorities of section 1300i-8 of this title
- shall not be effective unless and until the Interim Council of the Yurok Tribe has adopted a resolution waiving any claim such tribe may have against the United States arising out of the provisions of this subchapter.

It is clear that the Interim Council's decision to file the above-referenced claim in the U.S. Claims Court means that the same consequences follow as if it fails to enact a resolution waiving claims against the United States. Therefore, unless and until the Interim Council waives the Tribe's claims and dismisses its case against the United States, it will neither have access to its portion of the Settlement Fund, nor will title to all national forest system lands within the Yurok Reservation, and to the portion of the Yurok Experimental Forest described in the Settlement Act, be taken in trust for the Yurok Tribe. In addition, the Secretary will be unable to proceed with acquisition of any lands or interests in land for the Yurok Tribe, or with spending any appropriated funds for this purpose.

At this time, we cannot grant your request to establish Hoopa tribal access to the funds that remain in the Hoopa-Yurok Settlement Fund as a result of the filing of Yurok Tribe v. United States. We have not made a final determination concerning the legal status of these funds in the absence of a Yurok tribal resolution waiving claims against the United States, and this issue will be referred to the Solicitor's Office for an opinion. We will advise you of our determination once the legal evaluation is completed.

Please let us know if we can be of any further assistance in this matter.

Sincerely,


Assistant Secretary - Indian Affairs