

(2) to authorize and direct the Secretary to implement the terms of such agreement, and

(3) to authorize the actions and appropriations necessary to implement the provisions of the Settlement Agreement and this subchapter.

(Pub. L. 101-41, §2, June 21, 1989, 103 Stat. 83.)

SHORT TITLE

Section 1 of Pub. L. 101-41 provided that: "This Act [enacting this subchapter] may be cited as the 'Puyallup Tribe of Indians Settlement Act of 1989'."

§ 1773a. Resolution of Puyallup tribal land claims

(a) Relinquishment

In accordance with the Settlement Agreement and in return for the land and other benefits derived from the Settlement Agreement and this subchapter, the Tribe, and the United States as trustee for the Tribe and its members, relinquish all claims to tidelands, submerged lands, and any other lands, and including any mineral claims and nonfisheries water rights connected with such relinquished land, known or unknown, within the State of Washington, subject to the exceptions referred to in subsection (b) of this section.

(b) Exception for certain lands

Subsection (a) of this section shall not apply to the following:

(1) 12.5 acres of former riverbed land confirmed to the Tribe in Puyallup Tribe of Indians against Port of Tacoma (717 F. 2d 1251 (1983)), which land shall be subject to the terms and conditions described in the Settlement Agreement and document 6 of the Technical Documents.

(2) All land to which record title in the Tribe or the United States in trust for the Tribe or its members derives from a patent issued by the United States or from a conveyance of tideland by the State of Washington. For the purposes of this paragraph, the term "record title" means title documented by identifiable conveyances reflected in those records imparting constructive notice of conveyances according to the laws of the State (RCW chapters 65.04 and 65.08) and the final judgments of State or Federal courts.

(3) Certain land recognized to be owned on August 27, 1988, by the Tribe or the United States in trust for the Tribe within the Indian Addition to the city of Tacoma, Washington, as recorded in book 7 of plats at pages 30 and 31, records of Pierce County, Washington, as follows:

(A) Land owned on August 27, 1988:

- (i) Portions of tracts 2, 5, 6, 10, and 11.
- (ii) Tract 7 (school site).
- (iii) Tract 8 (church site).
- (iv) Tract 9 (cemetery site).
- (v) Approximately 38 lots in blocks 8150, 8249, 8350, and 8442, inclusive.

(B) Land, wherever located, added to the above list of parcels on or before December 1, 1988, in accordance with paragraph A.3. of section IX of the Settlement Agreement.

(4) The lands transferred to the Tribe pursuant to the Settlement Agreement.

(5) The rights to underlying lands or the reversionary interest of the Tribe, if any, in the Union Pacific or Burlington Northern rights-of-way across the 1873 Survey Area, where the property over which they were granted belonged, at the time of the grant, to the United States in trust for the Tribe or to the Tribe.

(6) The submerged lands as of August 27, 1988, in the Puyallup River within the 1873 Survey Area below the mean high water line.

(c) Personal claims

Nothing in this section or in the Settlement Agreement shall be construed to impair, eliminate, or in any way affect the title of any individual Indian to land held by such individual in fee or in trust, nor shall it affect the personal claim of any individual Indian as to claims regarding past sales of allotted lands or any claim which is pursued under any law of general applicability that protects non-Indians as well as Indians.

(Pub. L. 101-41, §3, June 21, 1989, 103 Stat. 84.)

EFFECTIVE DATE

Section 13 of Pub. L. 101-41 provided that: "Sections 3 and 9 [this section and section 1773g of this title] shall take effect on the effective date of the Settlement Agreement and when all terms are met as stated under section X of the Settlement Agreement."

§ 1773b. Settlement lands

(a) Acceptance by Secretary

The Secretary shall accept the conveyance of the lands described in subsection (c) of this section, and the Outer Hylebos tidelands property referred to in section VIII, A.1,c of the Settlement Agreement, subject to the terms and conditions of the Settlement Agreement and shall hold such lands in trust for the benefit of the Tribe.

(b) Contamination

(1) Contamination audits and cleanup of settlement lands shall be carried out in accordance with the Settlement Agreement and document 1 of the Technical Documents.

(2) The Tribe shall not be liable for the cleanup costs or in any other manner for contamination on properties described in subsection (c) of this section except any contamination caused by the Tribe's activities after conveyance of these properties to the Tribe under the terms of the Settlement Agreement and document 1 of the Technical Documents.

(c) Lands described

The lands referred to in subsection (a) of this section, and more particularly described in the Settlement Agreement, are as follows:

- (1) The Blair Waterway property, comprised of approximately 43.4 acres.
- (2) The Blair Backup property, comprised of approximately 85.2 acres.
- (3) The Inner Hylebos property, comprised of approximately 72.9 acres.
- (4) The Upper Hylebos property, comprised of approximately 5.9 acres.
- (5) The Union Pacific property (Fife), comprised of a parcel of approximately 57 acres, and an adjoining 22-acre parcel if the option