

108TH CONGRESS
1ST SESSION

S. 246

To provide that certain Bureau of Land Management land shall be held in trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico.

IN THE SENATE OF THE UNITED STATES

JANUARY 29, 2003

Mr. DOMENICI (for himself and Mr. BINGAMAN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide that certain Bureau of Land Management land shall be held in trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DEFINITIONS.**

4 In this Act:

5 (1) AGREEMENT.—The term “Agreement”
6 means the agreement entitled “Agreement to Affirm
7 Boundary Between Pueblo of Santa Clara and Pueb-
8 lo of San Ildefonso Aboriginal Lands Within Garcia

1 Canyon Tract”, entered into by the Governors on
 2 December 20, 2000.

3 (2) BOUNDARY LINE.—The term “boundary
 4 line” means the boundary line established under sec-
 5 tion 4(a).

6 (3) GOVERNORS.—The term “Governors”
 7 means—

8 (A) the Governor of the Pueblo of Santa
 9 Clara, New Mexico; and

10 (B) the Governor of the Pueblo of San
 11 Ildefonso, New Mexico.

12 (4) INDIAN TRIBE.—The term “Indian tribe”
 13 has the meaning given the term in section 4 of the
 14 Indian Self-Determination and Education Assistance
 15 Act (25 U.S.C. 450b).

16 (5) PUEBLOS.—The term “Pueblos” means—

17 (A) the Pueblo of Santa Clara, New Mex-
 18 ico; and

19 (B) the Pueblo of San Ildefonso, New Mex-
 20 ico.

21 (6) SECRETARY.—The term “Secretary” means
 22 the Secretary of the Interior.

23 (7) TRUST LAND.—The term “trust land”
 24 means the land held by the United States in trust
 25 under section 2(a) or 3(a).

1 **SEC. 2. TRUST FOR THE PUEBLO OF SANTA CLARA, NEW**
 2 **MEXICO.**

3 (a) IN GENERAL.—All right, title, and interest of the
 4 United States in and to the land described in subsection
 5 (b), including improvements on, appurtenances to, and
 6 mineral rights (including rights to oil and gas) to the land,
 7 shall be held by the United States in trust for the Pueblo
 8 of Santa Clara, New Mexico.

9 (b) DESCRIPTION OF LAND.—The land referred to in
 10 subsection (a) consists of approximately 2,484 acres of
 11 Bureau of Land Management land located in Rio Arriba
 12 County, New Mexico, and more particularly described
 13 as—

14 (1) the portion of T. 20 N., R. 7 E., Sec. 22,
 15 New Mexico Principal Meridian, that is located
 16 north of the boundary line;

17 (2) the southern half of T. 20 N., R. 7 E., Sec.
 18 23, New Mexico Principal Meridian;

19 (3) the southern half of T. 20 N., R. 7 E., Sec.
 20 24, New Mexico Principal Meridian;

21 (4) T. 20 N., R. 7 E., Sec. 25, excluding the
 22 5-acre tract in the southeast quarter owned by the
 23 Pueblo of San Ildefonso;

24 (5) the portion of T. 20 N., R. 7 E., Sec. 26,
 25 New Mexico Principal Meridian, that is located
 26 north and east of the boundary line;

1 (6) the portion of T. 20 N., R. 7 E., Sec. 27,
 2 New Mexico Principal Meridian, that is located
 3 north of the boundary line;

4 (7) the portion of T. 20 N., R. 8 E., Sec. 19,
 5 New Mexico Principal Meridian, that is not included
 6 in the Santa Clara Pueblo Grant or the Santa Clara
 7 Indian Reservation; and

8 (8) the portion of T. 20 N., R. 8 E., Sec. 30,
 9 that is not included in the Santa Clara Pueblo Grant
 10 or the San Ildefonso Grant.

11 **SEC. 3. TRUST FOR THE PUEBLO OF SAN ILDEFONSO, NEW**
 12 **MEXICO.**

13 (a) IN GENERAL.—All right, title, and interest of the
 14 United States in and to the land described in subsection
 15 (b), including improvements on, appurtenances to, and
 16 mineral rights (including rights to oil and gas) to the land,
 17 shall be held by the United States in trust for the Pueblo
 18 of San Ildefonso, New Mexico.

19 (b) DESCRIPTION OF LAND.—The land referred to in
 20 subsection (a) consists of approximately 2,000 acres of
 21 Bureau of Land Management land located in Rio Arriba
 22 County and Santa Fe County in the State of New Mexico,
 23 and more particularly described as—

1 (1) the portion of T. 20 N., R. 7 E., Sec. 22,
 2 New Mexico Principal Meridian, that is located
 3 south of the boundary line;

4 (2) the portion of T. 20 N., R. 7 E., Sec. 26,
 5 New Mexico Principal Meridian, that is located
 6 south and west of the boundary line;

7 (3) the portion of T. 20 N., R. 7 E., Sec. 27,
 8 New Mexico Principal Meridian, that is located
 9 south of the boundary line;

10 (4) T. 20 N., R. 7 E., Sec. 34, New Mexico
 11 Principal Meridian; and

12 (5) the portion of T. 20 N., R. 7 E., Sec. 35,
 13 New Mexico Principal Meridian, that is not included
 14 in the San Ildefonso Pueblo Grant.

15 **SEC. 4. SURVEY AND LEGAL DESCRIPTIONS.**

16 (a) SURVEY.—Not later than 180 days after the date
 17 of enactment of this Act, the Office of Cadastral Survey
 18 of the Bureau of Land Management shall, in accordance
 19 with the Agreement, complete a survey of the boundary
 20 line established under the Agreement for the purpose of
 21 establishing, in accordance with sections 2(b) and 3(b),
 22 the boundaries of the trust land.

23 (b) LEGAL DESCRIPTIONS.—

1 (1) PUBLICATION.—On approval by the Gov-
 2 ernors of the survey completed under subsection (a),
 3 the Secretary shall publish in the Federal Register—

4 (A) a legal description of the boundary
 5 line; and

6 (B) legal descriptions of the trust land.

7 (2) TECHNICAL CORRECTIONS.—Before the
 8 date on which the legal descriptions are published
 9 under paragraph (1)(B), the Secretary may correct
 10 any technical errors in the descriptions of the trust
 11 land provided in sections 2(b) and 3(b) to ensure
 12 that the descriptions are consistent with the terms
 13 of the Agreement.

14 (3) EFFECT.—Beginning on the date on which
 15 the legal descriptions are published under paragraph
 16 (1)(B), the legal descriptions shall be the official
 17 legal descriptions of the trust land.

18 **SEC. 5. ADMINISTRATION OF TRUST LAND.**

19 (a) IN GENERAL.—Beginning on the date of enact-
 20 ment of this Act—

21 (1) the land held in trust under section 2(a)
 22 shall be declared to be a part of the Santa Clara In-
 23 dian Reservation; and

1 (2) the land held in trust under section 3(a)
 2 shall be declared to be a part of the San Ildefonso
 3 Indian Reservation.

4 (b) APPLICABLE LAW.—

5 (1) IN GENERAL.—The trust land shall be ad-
 6 ministered in accordance with any law (including
 7 regulations) or court order generally applicable to
 8 property held in trust by the United States for In-
 9 dian tribes.

10 (2) PUEBLO LANDS ACT.—The following shall
 11 be subject to section 17 of the Act of June 7, 1924
 12 (commonly known as the “Pueblo Lands Act”) (25
 13 U.S.C. 331 note):

14 (A) The trust land.

15 (B) Any land owned as of the date of en-
 16 actment of this Act or acquired after the date
 17 of enactment of this Act by the Pueblo of Santa
 18 Clara in the Santa Clara Pueblo Grant.

19 (C) Any land owned as of the date of en-
 20 actment of this Act or acquired after the date
 21 of enactment of this Act by the Pueblo of San
 22 Ildefonso in the San Ildefonso Pueblo Grant.

23 (c) USE OF TRUST LAND.—

1 (1) IN GENERAL.—Subject to the criteria devel-
2 oped under paragraph (2), the trust land may be
3 used only for—

4 (A) traditional and customary uses; or

5 (B) stewardship conservation for the ben-
6 efit of the Pueblo for which the trust land is
7 held in trust.

8 (2) CRITERIA.—The Secretary shall work with
9 the Pueblos to develop appropriate criteria for using
10 the trust land in a manner that preserves the trust
11 land for traditional and customary uses or steward-
12 ship conservation.

13 (3) LIMITATION.—Beginning on the date of en-
14 actment of this Act, the trust land shall not be used
15 for any new commercial developments.

16 **SEC. 6. EFFECT.**

17 Nothing in this Act—

18 (1) affects any valid right-of-way, lease, permit,
19 mining claim, grazing permit, water right, or other
20 right or interest of a person or entity (other than
21 the United States) that is—

22 (A) in or to the trust land; and

23 (B) in existence before the date of enact-
24 ment of this Act;

1 (2) enlarges, impairs, or otherwise affects a
2 right or claim of the Pueblos to any land or interest
3 in land that is—

4 (A) based on Aboriginal or Indian title;
5 and

6 (B) in existence before the date of enact-
7 ment of this Act;

8 (3) constitutes an express or implied reservation
9 of water or water right with respect to the trust
10 land; or

11 (4) affects any water right of the Pueblos in ex-
12 istence before the date of enactment of this Act.

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