

Calendar No. 124

108TH CONGRESS
1ST SESSION

S. 246

[Report No. 108–60]

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

JUNE 9, 2003

Reported by Mr. DOMENICI, with amendments

[Omit the part struck through and insert the part printed in *italic*]

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,*

1 **SECTION 1. DEFINITIONS.**

2 In this Act:

3 (1) AGREEMENT.—The term “Agreement”
4 means the agreement entitled “Agreement to Affirm
5 Boundary Between Pueblo of Santa Clara and Pueb-
6 lo of San Ildefonso Aboriginal Lands Within Garcia
7 Canyon Tract”, entered into by the Governors on
8 December 20, 2000.

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

12 (3) GOVERNORS.—The term “Governors”
13 means—

14 (A) the Governor of the Pueblo of Santa
15 Clara, New Mexico; and

16 (B) the Governor of the Pueblo of San
17 Ildefonso, New Mexico.

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

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

23 (A) the Pueblo of Santa Clara, New Mex-
24 ico; and

25 (B) the Pueblo of San Ildefonso, New Mex-
26 ico.

1 (6) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

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

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

8 (a) IN GENERAL.—All right, title, and interest of the
9 United States in and to the land described in subsection
10 (b), including improvements on, appurtenances to, and
11 mineral rights (including rights to oil and gas) to the land,
12 shall be held by the United States in trust for the Pueblo
13 of Santa Clara, ~~New Mexico~~. *New Mexico, as part of the*
14 *Santa Clara Reservation.*

15 (b) DESCRIPTION OF LAND.—The land referred to in
16 subsection (a) consists of approximately 2,484 acres of
17 Bureau of Land Management land located in Rio Arriba
18 County, New Mexico, and more particularly described
19 as—

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

23 (2) the southern half of T. 20 N., R. 7 E., Sec.
24 23, New Mexico Principal Meridian;

1 (3) the southern half of T. 20 N., R. 7 E., Sec.
2 24, New Mexico Principal Meridian;

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

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

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

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

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

19 **SEC. 3. TRUST FOR THE PUEBLO OF SAN ILDEFONSO, NEW**
20 **MEXICO.**

21 (a) IN GENERAL.—All right, title, and interest of the
22 United States in and to the land described in subsection
23 (b), including improvements on, appurtenances to, and
24 mineral rights (including rights to oil and gas) to the land,
25 shall be held by the United States in trust for the Pueblo

1 of San Ildefonso, ~~New Mexico~~. *New Mexico, as part of the*
 2 *San Ildefonso Reservation.*

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

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

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

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

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

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

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

23 (a) SURVEY.—Not later than 180 days after the date
 24 of enactment of this Act, the Office of Cadastral Survey
 25 of the Bureau of Land Management shall, in accordance

1 with the Agreement, complete a survey of the boundary
 2 line established under the Agreement for the purpose of
 3 establishing, in accordance with sections 2(b) and 3(b),
 4 the boundaries of the trust land.

5 (b) LEGAL DESCRIPTIONS.—

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

9 (A) a legal description of the boundary
 10 line; and

11 (B) legal descriptions of the trust land.

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

19 (3) EFFECT.—Beginning on the date on which
 20 the legal descriptions are published under paragraph
 21 (1)(B), the legal descriptions shall be the official
 22 legal descriptions of the trust land.

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

24 ~~(a) IN GENERAL.—Beginning on the date of enact-~~
 25 ~~ment of this Act—~~

1 ~~(1) the land held in trust under section 2(a)~~
 2 ~~shall be declared to be a part of the Santa Clara In-~~
 3 ~~Indian Reservation; and~~

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

7 ~~(b) APPLICABLE LAW.—~~

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

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

17 ~~(A) The trust land.~~

18 ~~(B) Any land owned as of the date of en-~~
 19 ~~actment of this Act or acquired after the date~~
 20 ~~of enactment of this Act by the Pueblo of Santa~~
 21 ~~Clara in the Santa Clara Pueblo Grant.~~

22 ~~(C) Any land owned as of the date of en-~~
 23 ~~actment of this Act or acquired after the date~~
 24 ~~of enactment of this Act by the Pueblo of San~~
 25 ~~Ildefonso in the San Ildefonso Pueblo Grant.~~

1 ~~(c) USE OF TRUST LAND.—~~

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

5 ~~(A)~~ traditional and customary uses; or

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

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

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

17 **SEC. 6. EFFECT.**

18 Nothing in this Act—

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

23 ~~(A)~~ in or to the trust land; and

24 ~~(B)~~ in existence before the date of enact-
25 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.

13 ~~(a) APPLICABLE LAW.—The trust land shall be admin-~~
 14 ~~istered in accordance with laws generally applicable to~~
 15 ~~property held in trust by the United States for Indian~~
 16 ~~tribes.~~

17 ~~(b) PUEBLO LANDS ACT.—The following shall be sub-~~
 18 ~~ject to section 17 of the Act of June 7, 1924 (25 U.S.C.~~
 19 ~~331 note; commonly known as the “Pueblo Lands Act”):~~

20 ~~(1) The trust land.~~

21 ~~(2) Any land owned as of the date of enactment~~
 22 ~~of this Act or acquired after the date of enactment of~~
 23 ~~this Act by the Pueblo of Santa Clara in the Santa~~
 24 ~~Clara Pueblo Grant.~~

1 (3) *Any land owned as of the date of enactment*
 2 *of this Act or acquired after the date of enactment of*
 3 *this Act by the Pueblo of Santa Ildefonso in the San*
 4 *Ildefonso Pueblo Grant.*

5 (c) *USE OF TRUST LAND.*—*Subject to criteria devel-*
 6 *oped by the Pueblos in concert with the Secretary, the trust*
 7 *land may be used only for traditional and customary uses*
 8 *or stewardship conservation for the benefit of the Pueblo for*
 9 *which the trust land is held in trust. Beginning on the date*
 10 *of enactment of this Act, the trust land shall not be used*
 11 *for any new commercial developments.*

12 **SEC. 6. EFFECT.**

13 *Nothing in this Act—*

14 (1) *affects any valid right-of-way, lease, permit,*
 15 *mining claim, grazing permit, water right, or other*
 16 *right or interest of any person or entity (other than*
 17 *the United States) in or to the trust land that is in*
 18 *existence before the date of enactment of this Act;*

19 (2) *enlarges, impairs, or otherwise affects a right*
 20 *or claim of the Pueblos to any land or interest in*
 21 *land based on Aboriginal or Indian title that is in ex-*
 22 *istence before the date of enactment of this Act;*

23 (3) *constitutes an express or implied reservation*
 24 *of water or water right for any purpose with respect*
 25 *to the trust land; or*

- 1 (4) *affects any water right of the Pueblos in ex-*
2 *istence before the date of enactment of this act.*

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