

112TH CONGRESS
2D SESSION

S. 3193

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2012

Referred to the Committee on Natural Resources

AN ACT

To make technical corrections to the legal description of certain land to be held in trust for the Barona Band of Mission Indians, and for other purposes.

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. SHORT TITLE.**

2 This Act may be cited as the “Barona Band of Mis-
3 sion Indians Land Transfer Clarification Act of 2012”.

4 **SEC. 2. FINDINGS; PURPOSES.**

5 (a) FINDINGS.—Congress finds that—

6 (1) the legal description of land previously
7 taken into trust by the United States for the benefit
8 of the Barona Band of Mission Indians may be in-
9 terpreted to refer to private, nontribal land;

10 (2) there is a continued, unresolved disagree-
11 ment between the Barona Band of Mission Indians
12 and certain off-reservation property owners relating
13 to the causes of diminishing native groundwater;

14 (3) Congress expresses no opinion, nor should
15 an opinion of Congress be inferred, relating to the
16 disagreement described in paragraph (2); and

17 (4) it is the intent of Congress that, if the land
18 described in section 121(b) of the Native American
19 Technical Corrections Act of 2004 (118 Stat. 544)
20 (as amended by section 3) is used to bring water to
21 the Barona Indian Reservation, the effort is author-
22 ized only if the effort also addresses water avail-
23 ability for neighboring off-reservation land located
24 along Old Barona Road that is occupied as of the
25 date of enactment of this Act by providing guaran-
26 teed access to that water supply at a mutually agree-

1 able site on the southwest boundary of the Barona
2 Indian Reservation.

3 (b) PURPOSES.—The purposes of this Act are—

4 (1) to clarify the legal description of the land
5 placed into trust for the Barona Band of Mission In-
6 dians in 2004; and

7 (2) to remove all doubt relating to the specific
8 parcels of land that Congress has placed into trust
9 for the Barona Band of Mission Indians.

10 **SEC. 3. LAND TRANSFER.**

11 Section 121 of the Native American Technical Cor-
12 rections Act of 2004 (Public Law 108–204; 118 Stat.
13 544) is amended—

14 (1) by striking subsection (b) and inserting the
15 following:

16 “(b) DESCRIPTION OF LAND.—The land referred to
17 in subsection (a) is land comprising approximately 86.87
18 acres in T. 14 S., R. 1 E., San Bernardino Meridian, San
19 Diego County, California, and described more particularly
20 as follows:

21 “(1) The approximately 69.85 acres located in
22 Section 21 and described as—

23 “(A) SW¹/₄ SW¹/₄, excepting the north 475
24 feet;

1 “(B) $W^{1/2}$ $SE^{1/4}$ $SW^{1/4}$, excepting the
 2 north 475 feet;

3 “(C) $E^{1/2}$ $SE^{1/4}$ $SW^{1/4}$, excepting the north
 4 350 feet; and

5 “(D) the portion of $W^{1/2}$ $SE^{1/4}$ that lies
 6 southwesterly of the following line: Beginning
 7 at the intersection of the southerly line of said
 8 $SE^{1/4}$ of Section 21 with the westerly boundary
 9 of Rancho Canada De San Vicente Y Mesa Del
 10 Padre Barona as shown on United States Gov-
 11 ernment Resurvey approved January 21, 1939,
 12 and thence northwesterly along said boundary
 13 to an intersection with the westerly line of said
 14 $SE^{1/4}$.

15 “(2) The approximately 17.02 acres located in
 16 Section 28 and described as $NW^{1/4}$ $NW^{1/4}$, excepting
 17 the east 750 feet.”; and

18 (2) by adding at the end the following:

19 “(d) CLARIFICATIONS.—

20 “(1) EFFECT ON SECTION.—The provisions of
 21 subsection (c) shall apply to the land described in
 22 subsection (b), as in effect on the day after the date
 23 of enactment of the Barona Band of Mission Indians
 24 Land Transfer Clarification Act of 2012.

1 “(2) EFFECT ON PRIVATE LAND.—The parcel
2 of private, non-Indian land referenced in subsection
3 (a) and described in subsection (b), as in effect on
4 the day before the date of enactment of the Barona
5 Band of Mission Indians Land Transfer Clarifica-
6 tion Act of 2012, but excluded from the revised de-
7 scription of the land in subsection (b) was not in-
8 tended to be—

9 “(A) held in trust by the United States for
10 the benefit of the Band; or

11 “(B) considered to be a part of the res-
12 ervation of the Band.”.

Passed the Senate September 22 (legislative day,
September 21), 2012.

Attest:

NANCY ERICKSON,
Secretary.