

PECHANGA BAND OF LUISENO MISSION INDIANS LAND
TRANSFER ACT OF 2004

NOVEMBER 17, 2004.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 4908]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4908) to transfer certain land in Riverside County, California, from the Bureau of Land Management to the United States to be held in trust for the Pechanga Band of Luiseno Mission Indians, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Pechanga Band of Luiseno Mission Indians Land Transfer Act of 2004”.

SEC. 2. TRANSFER OF LAND IN TRUST FOR PECHANGA BAND OF LUISENO MISSION INDIANS.

(a) **TRANSFER AND ADMINISTRATION.**—Effective on the date of the enactment of this Act and subject to valid existing rights, all right, title, and interest of the United States in and to the Federal lands described in subsection (b), including all improvements thereon, appurtenances thereto, and rights to all minerals thereon or therein, including oil and gas, water, and related resources, shall be held by the United States in trust for the Pechanga Band of Luiseno Mission Indians, a federally recognized Indian tribe. The transferred land shall be declared part of the Pechanga Indian Reservation and administered in accordance with the laws and regulations generally applicable to property held in trust by the United States for an Indian tribe.

(b) **DESCRIPTION OF LAND.**—The lands referred to in subsection (a) consist of approximately 990.74 acres in Riverside County, California, as referenced on the map entitled, “H.R. 4908, Pechanga Land Transfer Act” and dated September 13, 2004, which, before the transfer under such subsection, were administered by the Bureau of Land Management and are more particularly described as follows:

- (1) Sections 29, 30, and 32 of township 8 south, range 2 west, San Bernardino base and meridian.
- (2) Section 6 of township 9 south, range 2 west, San Bernardino base and meridian.
- (3) Mineral Survey 3540, section 22 of township 5 south, range 4 west, San Bernardino base and meridian.
- (c) SURVEY.—As soon as practicable after the date of the enactment of this Act, the Office of Cadastral Survey of the Bureau of Land Management shall complete a survey of the lands transferred under subsection (a) for the purpose of establishing the boundaries of the lands.
- (d) MAP ON FILE.—The map referred to in subsection (b) shall be on file in the appropriate offices of the Bureau of Land Management.
- (e) LEGAL DESCRIPTIONS.—
 - (1) PUBLICATION.—On approval of the survey completed under subsection (c) by the duly elected tribal council of the Pechanga Band of Luiseno Mission Indians, the Secretary of the Interior shall publish in the Federal Register—
 - (A) a legal description of the boundary lines; and
 - (B) legal description of the lands transferred under subsection (a).
 - (2) EFFECT.—Beginning on the date on which the legal descriptions are published under paragraph (1), such legal descriptions shall be the official legal descriptions of the boundary lines and the lands transferred under subsection (a).
- (f) RULES OF CONSTRUCTION.—Nothing in this Act shall—
 - (1) enlarge, impair, or otherwise affect any right or claim of the Pechanga Band of Luiseno Mission Indians to any land or interest in land that is in existence before the date of the enactment of this Act; or
 - (2) affect any water right of the Pechanga Band of Luiseno Mission Indians in existence before the date of the enactment of this Act.
- (g) RESTRICTED USE OF TRANSFERRED LANDS.—The lands transferred under subsection (a) may be used only for the protection, preservation, and maintenance of the archaeological, cultural, and wildlife resources thereon.

PURPOSE OF THE BILL

The purpose of H.R. 4908 is to transfer certain land in Riverside County, California, from the Bureau of Land Management to the United States to be held in trust for the Pechanga Band of Luiseno Mission Indians, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 4908 transfers approximately 991 acres of public land (including improvements), in two parcels administered by the Bureau of Land Management (BLM) to the Pechanga Band of Luiseno Mission Indians. The lands, located in Riverside County, California, will be held in trust by the United States for the benefit of the tribe.

The tribe seeks to acquire these lands in trust to preserve their archaeological, cultural, and wildlife resources. The larger parcel (approximately 971 acres) is adjacent to the Pechanga Reservation and it consists mainly of jagged, mountainous terrain. It contains important ancestral sites. The smaller parcel (approximately 20 acres) is 12 miles from the tribe's reservation, near land acquired in fee by the tribe several years ago from Riverside County. This parcel contains an important ancestral archaeological site, and is managed by the tribe under a memorandum of understanding with the BLM. The Pechanga Band desires to conserve and manage the properties for their cultural and wildlife values and has already enacted tribal laws and ordinances for this purpose.

Under H.R. 4908, the land transfer is effected upon publication of a survey of the lands described in the bill. Improvements to the land are included in the transfer, and all such interests will be held in trust by the United States for the benefit of the tribe.

After the bill was ordered favorably reported from the Committee on Resources, the Committee was made aware of the habitat conservation plan (HCP) for Riverside County and San Diego County prepared under the Endangered Species Act. The lands transferred under this bill are within that area. The protections provided under tribal law and under H.R. 4908 (as amended) for the transferred lands are consistent with this HCP; however, the Committee urges all parties including the tribe to study further any legal implications of the transfer on the HCP and resolve them expeditiously.

COMMITTEE ACTION

H.R. 4908 was introduced on July 22, 2004, by Representative Darrell Issa (R-CA). The bill was referred to the Committee on Resources. On September 21, 2004, the Full Committee held a hearing on the bill. On September 22, 2004, the Full Resources Committee met to consider the bill. Chairman Richard Pombo (R-CA) offered an amendment in the nature of a substitute to place restrictions on development of the land conveyed to the tribe under this bill and to make other technical and clarifying changes. It was adopted by unanimous consent. The bill as amended was then ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, credit authority, or an increase or decrease in revenues or tax expenditures. According to the Congressional Budget office, enactment of this bill could affect direct spending (including offsetting receipts) but any such impact would be "negligible."

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 4908—Pechanga Band of Luiseno Mission Indians Land Transfer Act of 2004

CBO estimates that enacting H.R. 4908 would have no significant impact on the federal budget. The bill could affect direct spending (including offsetting receipts), but we estimate that any such effects would be negligible. Enacting H.R. 4908 would not affect revenues. H.R. 4908 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. Enacting this bill would benefit the tribe and would have no significant impact on the budgets of other state, local, or tribal governments.

H.R. 4908 would direct the Secretary of the Interior to give two tracts of federal land in California totaling approximately 991 acres to the Pechanga Indian Reservation, to be held in trust by the United States on behalf of the Pechanga Band of Luiseno Missions Indians. According to the Department of the Interior, the land to be conveyed currently generates no significant receipts and is not expected to do so during the next 10 years. Hence, CBO estimates that conveying the land would not significantly affect offsetting receipts (a credit against direct spending). Based on information from the Department of the Interior, we estimate that the administrative costs of the conveyance, including the required survey, would be negligible.

The CBO staff contact for this estimate is Mike Waters. This estimate was approved by Robert A. Sunshine, Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.