

Public Law 95-499
95th Congress

An Act

To declare that the United States holds in trust for the Pueblo of Zia certain public domain lands.

Oct. 21, 1978

[S. 2358]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all right, title, and interest of the United States in the following lands situated within Sandoval County in the State of New Mexico are hereby declared to be held by the United States in trust for the benefit and use of the Pueblo of Zia:

Indians.
Pueblo of Zia,
N. Mex.
Lands in trust.

NEW MEXICO PRINCIPAL MERIDIAN

Township 14 North, Range 1 East

Section 3:

Lots 2, 3, 4,
Southwest quarter northeast quarter,
West half southeast quarter,
Southwest quarter,
Southeast quarter southeast quarter,
South half northwest quarter,

Township 15 North, Range 1 East

Section 10: Lot 4,

Section 11: South half south half,

Section 13:

Southeast quarter,
West half,

Section 14: All,

Section 15:

Lots 1, 2, 3, 4,
Southwest quarter,
West half southeast quarter,

Section 22: All,

Section 23:

West half northeast quarter,
Northeast quarter northeast quarter.
Southeast quarter,
West half,

Section 24: North half north half,

Section 26: North half northwest quarter,

Section 27: All,

Section 34:

Southwest quarter,
Northwest quarter,
Northeast quarter,

Containing 4,848.13 acres, more or less.

SEC. 2. The Secretary of the Interior shall publish in the Federal Register the boundaries and descriptions of the lands declared to be held in trust by this Act.

Publication in
Federal Register.

SEC. 3. All of the right, title, and interest of the United States in all minerals, including gas and oil, underlying the lands hereby declared

to be held in trust for the Pueblo of Zia, are hereby declared to be held by the United States in trust for the benefit and use of the Pueblo of Zia.

SEC. 4. (a) Nothing in this Act shall deprive any person of any valid existing right of use, possession, contract right, interest, or title which that person may have in any of the trust lands within the purview of this Act, or of any existing right of access to public domain lands over and across such trust lands, as determined by the Secretary of the Interior. All existing mineral leases involving lands declared to be held in trust by this Act, including oil and gas leases, which may have been issued or approved pursuant to Federal law, prior to enactment of this Act, shall remain in force and effect in accordance with the provisions thereof. Notwithstanding any other provision of law, all applications for mineral leases involving such lands, including oil and gas leases, pending on the date of enactment of this Act shall be rejected and the advance rental payments returned to the applicants.

(b) Subject to the provisions of subsection (a) of this section, the property declared to be held in trust by this Act for the benefit and use of the Pueblo of Zia shall hereafter be administered in accordance with the laws and regulations applicable to other property held in trust by the United States for the Indian tribe of such pueblo.

SEC. 5. All gross receipts (including, but not limited to, bonuses, rents, and royalties) hereafter derived by the United States from any contract, permit, or lease which relates to the property declared to be in trust by this Act received subsequent to the enactment of this Act shall be administered in accordance with the laws and regulations applicable to receipts from property held in trust by the United States for Indian tribes.

SEC. 6. All property declared to be held in trust for the benefit and use of the Pueblo of Zia pursuant to this Act, and all the receipts therefrom referred to in section 5 of this Act, shall be exempt from Federal, State, and local taxation so long as such property is held in trust by the United States. Any distribution of such receipts to tribal members shall neither be considered as income or resources of such members for purposes of any such taxation nor as income or resources or otherwise utilized as the basis for denying or reducing the financial assistance or other benefits to which such member or his household would otherwise be entitled to under the Social Security Act or any other Federal or federally assisted program.

Title documents.

SEC. 7. (a) The Secretary may execute any title documents necessary to effect conveyances authorized by this Act.

(b) Title to all lands acquired under the provisions of this Act shall be taken in the name of the United States in trust for the Pueblo of Zia.

Roadway right-of-way.

SEC. 8. The transfer and conveyance of title shall be subject to the following roadway right-of-way to be for the use and benefit of adjacent private landowners, the Bureau of Land Management, its permittees, lessees, successors, and assigns:

(1) Access road through Zia Allotment: A road right-of-way 50 feet wide over that portion in southeast quarter section 13, north half section 24, southeast quarter section 23, north half section 26, and north half section 27, all in township 15 north, range 1 east, New Mexico principal meridian.

Beginning at intersection of State Road 44, thence southwesterly 1,600 feet to a point of curve, thence westerly 2,100 feet to a point of curve, thence southerly 1,100 feet to a point of curve, thence southwesterly 2,400 feet to a point of curve, thence southerly 2,640 feet to a point of curve, thence southerly 8,500 feet to a point of curve near the west section line of section 27, road being 3.5 miles long (approx.). Distances to a curve are scaled distances (approx.) from U.S.G.S. Quadrangle Sheet, Sky Village N.E. Quadrangle, and San Ysidro Quadrangle.

The description was compiled from U.S.G.S. Quadrangle maps dated November 1960, and this is only a paper survey.

(2) Gypsum Mine Access Road: A road right-of-way 50 feet wide, over that portion in southeast quarter of section 13, northeast quarter section 24, west half section 13, and northeast quarter section 14, all in township 15 north, range 1 east, New Mexico principal meridian.

Beginning at the intersection of Gypsum mine access road and access road through lands known as Zia Allotment being 500 feet southwesterly from State Road 44, thence northwesterly 6,500 feet near the east line of section 14. Distances to the termination of road are scaled distances (approx.) from U.S.G.S. Quadrangle Sheet, San Ysidro Quadrangle.

This description was compiled from U.S.G.S. Quadrangle map dated November 1960, and this is only a paper survey.

SEC. 9. (a) Notwithstanding any other provision of this Act, during the 3 years following enactment of this Act, the Secretary may, after giving the tribe 30 days written notice and after consulting with the tribe, enter on the lands described in the first section of this Act to identify, investigate, examine, and remove any paleontological resources from such lands: *Provided*, That no explorations, surveys, or excavations shall be authorized within a 200-yard radius of the following shrines or religious sites:

Paleontological resources, access, notice and consultation.

- (1) Tiam (Eagle Peak, Eagle Rock, Eagle Point);
- (2) Hu-nah-'kah-'kah-Warish (Cherry Spring);
- (3) Pah-Pah (Grandma);
- (4) Ku-Mah-Yah-Wish (Mudhead);
- (5) Punaya;
- (6) Grash-Yeh-Tey-Sham (White Points).

Such resources so removed are the property of the United States and shall be administered under laws applicable to federally owned resources. Paleontological resources on such lands that are not removed from the lands pursuant to this section shall be managed in a manner that will permit the greatest possible public benefits, use, and study of the resources, consistent with tribal law and practices.

(b) Any lands excavated pursuant to this section shall be reclaimed and restored to their original condition by the Secretary, as nearly as he determines may be practicable.

Approved October 21, 1978.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-1220, accompanying H.R. 10240 (Comm. on Interior and Insular Affairs).

SENATE REPORT No. 95-1131 (Select Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 124 (1978):

Sept. 6, considered and passed Senate.

Oct. 3, H.R. 10240 considered and passed House; passage vacated, and S. 2358, amended, passed in lieu.

Oct. 7, Senate concurred in House amendments.