

## Calendar No. 665

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 2893**

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.

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IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2002

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

OCTOBER 8, 2002

Reported by Mr. BINGAMAN, without amendment

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**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:

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

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

10          (3) GOVERNORS.—The term “Governors”  
11 means—

12               (A) the Governor of the Pueblo of Santa  
13 Clara, New Mexico; and

14               (B) the Governor of the Pueblo of San  
15 Ildefonso, New Mexico.

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

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

21               (A) the Pueblo of Santa Clara, New Mex-  
22 ico; and

23               (B) the Pueblo of San Ildefonso, New Mex-  
24 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.

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

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

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

24                (3) the southern half of T. 20 N., R. 7 E., Sec.  
25                24, New Mexico Principal Meridian;

1           (4) T. 20 N., R. 7 E., Sec. 25, excluding the  
2           5-acre tract in the southeast quarter owned by the  
3           Pueblo of San Ildefonso;

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

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

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

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

17 **SEC. 3. TRUST FOR THE PUEBLO OF SAN ILDEFONSO, NEW**  
18 **MEXICO.**

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

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

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

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

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

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

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

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

21 (a) SURVEY.—Not later than 180 days after the date  
22 of enactment of this Act, the Office of Cadastral Survey  
23 of the Bureau of Land Management shall, in accordance  
24 with the Agreement, complete a survey of the boundary  
25 line established under the Agreement for the purpose of

1 establishing, in accordance with sections 2(b) and 3(b),  
2 the boundaries of the trust land.

3 (b) LEGAL DESCRIPTIONS.—

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

7 (A) a legal description of the boundary  
8 line; and

9 (B) legal descriptions of the trust land.

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

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

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

22 (a) IN GENERAL.—Beginning on the date of enact-  
23 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       dian 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      dian 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.

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