

108TH CONGRESS
2D SESSION

H. R. 4490

To provide for acquisition of subsurface mineral rights to land owned by the Pascua Yaqui Tribe and land held in trust for the Tribe, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 2, 2004

Mr. GRIJALVA introduced the following bill; which was referred to the
Committee on Resources

A BILL

To provide for acquisition of subsurface mineral rights to land owned by the Pascua Yaqui Tribe and land held in trust for the Tribe, 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,*

3 **SECTION 1. DEFINITIONS.**

4 For the purposes of this Act, the following definitions
5 apply:

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

8 (2) STATE.—The term “State” means the State
9 of Arizona.

1 (3) **TRIBE.**—The term “Tribe” means the
2 Pascua Yaqui Tribe.

3 **SEC. 2. ACQUISITION OF SUBSURFACE MINERAL INTER-**
4 **ESTS FROM THE STATE FOR THE TRIBE.**

5 (a) **ACQUISITION AUTHORIZED.**—The Secretary shall
6 acquire, by use of the powers of eminent domain, and the
7 Department of Justice is authorized to act on behalf of
8 the Secretary to do so, pursuant to the laws and regula-
9 tions of the United States governing use of the power of
10 eminent domain, but only with the consent of the State,
11 the following:

12 (1) Any trust mineral estate of the State lo-
13 cated beneath the surface estates of the Tribe in
14 land consisting of approximately 436.18 acres in
15 Pima County, Arizona.

16 (2) Any trust mineral estate of the State lo-
17 cated beneath the surface estates held in trust for
18 the Tribe in land consisting of approximately 140.18
19 acres in Pima County, Arizona.

20 (b) **CONSIDERATION.**—Subject to subsection (c), as
21 consideration for the acquisition of subsurface mineral in-
22 terests by the United States pursuant to subsection (a),
23 the Tribe shall pay to the State an amount equal to the
24 market value of those subsurface mineral interests as de-
25 termined by—

1 (1) a mineral assessment completed—

2 (A) by a team of mineral specialists agreed
3 upon by the State and the Tribe; and

4 (B) reviewed, and accepted as complete
5 and accurate by a certified review mineral ex-
6 aminer of the Bureau of Land Management;

7 (2) negotiation between the Tribe and the State
8 in order to arrive at a mutually agreed price; or

9 (3) in the event the Tribe and the State cannot
10 arrive at a mutually agreed price, an appraisal re-
11 port completed in accordance with subsection (d)—

12 (A) by the State and reviewed by the
13 Tribe; and

14 (B) if requested by the Tribe through the
15 Bureau of Indian Affairs, reviewed and accept-
16 ed as complete and accurate by the Office of
17 the Special Trustee for American Indians in the
18 Department of the Interior.

19 (c) CONDITIONS OF ACQUISITION.—The Secretary
20 may make the acquisition under subsection (a) only if—

21 (1) the payment to the State required under
22 subsection (b) is accepted by the State as full con-
23 sideration for the subsurface mineral interests ac-
24 quired by the United States under subsection (a);
25 and

1 (2) the acquisition terminates all right, title,
2 and interest of all parties other than the United
3 States in and to the acquired subsurface mineral in-
4 terests.

5 (d) DETERMINATION OF MARKET VALUE.—Notwith-
6 standing any other provision of law, unless State and
7 Tribe shall otherwise agree to a stipulated market value,
8 the value of the subsurface mineral interests acquired by
9 the United States under this section shall be determined
10 in accordance with the Uniform Appraisal Standards for
11 Federal Land Acquisition, as published by the Appraisal
12 Institute in 2000 in cooperation with the Department of
13 Justice. Any appraisal shall be subject to the review and
14 acceptance by the Land Department of the State and the
15 Office of Special Trustee for American Indians in the De-
16 partment of the Interior.

17 (e) DESCRIPTION OF LAND.—The exact acreage and
18 legal descriptions of the land and interests in land ac-
19 quired by the United States under this section shall be
20 determined by surveys that are satisfactory to the Sec-
21 retary and the State.

22 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
23 retary may require such additional terms and conditions
24 in connection with the acquisition of subsurface interests
25 in land under this section as the Secretary considers ap-

1 appropriate to protect the interests of the United States and
2 any valid existing rights.

3 **SEC. 3. INTERESTS IN LAND TAKEN INTO TRUST FOR THE**
4 **TRIBE.**

5 (a) LAND TRANSFERRED.—Notwithstanding any
6 other provision of law, after the Tribe makes the payment
7 described in subsection (b), the Secretary shall take into
8 trust for the benefit of the Tribe the subsurface rights,
9 formerly reserved to the United States, to the approxi-
10 mately 360.23 acres of land located in Pima County, Ari-
11 zona, the surface rights to which are held in trust for the
12 benefit of the Tribe.

13 (b) CONSIDERATION AND COSTS.—The Tribe shall
14 pay to the Secretary all transaction costs associated with
15 assessment, review, and transfer of the interest in the es-
16 tate authorized to be taken into trust pursuant to sub-
17 section (a).

18 (c) DETERMINATION OF FAIR MARKET VALUE.—
19 Notwithstanding any other provision of law, unless the
20 Secretary and the Tribe agree to a stipulated fair market
21 value, the value of the subsurface mineral interests taken
22 into trust under this section shall be determined in accord-
23 ance with the Uniform Appraisal Standards for Federal
24 Land Acquisition, as published by the Appraisal Institute
25 in 2000 in cooperation with the Department of Justice.

- 1 (d) DESCRIPTION OF LAND.—The exact acreage and
- 2 legal description of the land described in subsection (a)
- 3 shall be determined by the Secretary.

