

110TH CONGRESS
1ST SESSION

H. R. 2963

IN THE SENATE OF THE UNITED STATES

JULY 31, 2007

Received

AUGUST 3, 2007

Read twice and referred to the Committee on Indian Affairs

AN ACT

To transfer certain land in Riverside County, California, and San Diego 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.

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 “Pechanga Band of
3 Luiseno Mission Indians Land Transfer Act of 2007”.

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

6 (a) TRANSFER AND ADMINISTRATION.—

7 (1) TRANSFER.—Effective on the date of the
8 enactment of this Act and subject to valid existing
9 rights, all right, title, and interest of the United
10 States in and to the Federal lands described in sub-
11 section (b) (including all improvements thereon, ap-
12 purtenances thereto, and rights to all minerals
13 thereon or therein, including oil and gas, water, and
14 related resources) shall be held by the United States
15 in trust for the Pechanga Band of Luiseno Mission
16 Indians, a federally recognized Indian tribe. Such
17 transfer shall not include the 12.82 acres of lands
18 more or less, including the facilities, improvements,
19 and appurtenances associated with the existing 230
20 kV transmission line in San Diego County and its
21 300 foot corridor, more particularly described as a
22 portion of sec. 6, T. 9 S., R. 2 W., San Bernardino
23 Base and Meridian, which shall be sold by the Bu-
24 reau of Land Management for fair market value to
25 San Diego Gas & Electric Company not later than
26 30 days after the completion of the cadastral survey

1 described in subsection (c) and the appraisal de-
2 scribed in subsection (d).

3 (2) ADMINISTRATION.—The land transferred
4 under paragraph (1) shall be part of the Pechanga
5 Indian Reservation and administered in accordance
6 with—

7 (A) the laws and regulations generally ap-
8 plicable to property held in trust by the United
9 States for an Indian tribe; and

10 (B) a memorandum of understanding en-
11 tered into between the Pechanga Band of
12 Luiseno Mission Indians and the United States
13 Fish and Wildlife Service.

14 (b) DESCRIPTION OF LAND.—The lands referred to
15 in subsection (a) consist of approximately 1,178 acres in
16 Riverside County, California, and San Diego County, Cali-
17 fornia, as referenced on the map titled, “H.R. 28, the
18 Pechanga Land Transfer Act” and dated January 12,
19 2007, which, before the transfer under such subsection,
20 were administered by the Bureau of Land Management
21 and are more particularly described as follows:

22 (1) Sections 24, 29, 31, and 32 of township 8
23 south, range 2 west, San Bernardino base and me-
24 ridian.

1 (2) Section 6 of township 9 south, range 2
2 west, lots 2, 3, 5 and 6, San Bernardino Base and
3 Meridian.

4 (3) Mineral Survey 3540, section 22 of town-
5 ship 5 south, range 4 west, San Bernardino base
6 and meridian.

7 (c) SURVEY.—Not later than 180 days after the date
8 of the enactment of this Act, the Office of Cadastral Sur-
9 vey of the Bureau of Land Management shall complete
10 a survey of the lands transferred and to be sold under
11 subsection (a) for the purpose of establishing the bound-
12 aries of the lands.

13 (d) CONVEYANCE OF UTILITY CORRIDOR.—

14 (1) IN GENERAL.—The Secretary shall convey
15 to the San Diego Gas & Electric Company all right,
16 title, and interest of the United States in and to the
17 utility corridor upon—

18 (A) the completion of the survey required
19 under subsection (c);

20 (B) the receipt by the Secretary of all
21 rents and other fees that may be due to the
22 United States for use of the utility corridor, if
23 any; and

24 (C) the receipt of payment by United
25 States from the San Diego Gas & Electric Com-

1 pany of consideration in an amount equal to the
2 fair market value of the utility corridor, as de-
3 termined by an appraisal conducted under para-
4 graph (2).

5 (2) APPRAISAL.—

6 (A) IN GENERAL.—Not later than 90 days
7 after the date on which the survey of the utility
8 corridor is completed under subsection (c), the
9 Secretary shall complete an appraisal of the
10 utility corridor.

11 (B) APPLICABLE LAW.—The appraisal
12 under subparagraph (A) shall be conducted in
13 accordance with—

14 (i) the Uniform Appraisal Standards
15 for Federal Land Acquisitions; and

16 (ii) the Uniform Standards of Profes-
17 sional Appraisal Practice.

18 (3) COSTS.—The San Diego Gas & Electric
19 Company shall pay the costs of carrying out the con-
20 veyance of the utility corridor under paragraph (1),
21 including any associated survey and appraisal costs.

22 (4) DISPOSITION OF PROCEEDS.—The Sec-
23 retary shall deposit any amounts received under
24 paragraph (1)(C) of this section in the Federal Land
25 Disposal Account established under section 206(a)

1 of the Federal Land Transaction Facilitation Act
2 (43 U.S.C. 2305(a)).

3 (e) MAP ON FILE.—The map referred to in sub-
4 section (b) shall be on file in the appropriate offices of
5 the Bureau of Land Management.

6 (f) LEGAL DESCRIPTIONS.—

7 (1) PUBLICATION.—On approval of the survey
8 completed under subsection (c) by the duly elected
9 tribal council of the Pechanga Band of Luiseno Mis-
10 sion Indians, the Secretary of the Interior shall pub-
11 lish in the Federal Register—

12 (A) a legal description of the boundary
13 lines; and

14 (B) legal description of the lands trans-
15 ferred under subsection (a).

16 (2) EFFECT.—Beginning on the date on which
17 the legal descriptions are published under paragraph
18 (1), such legal descriptions shall be the official legal
19 descriptions of the boundary lines and the lands
20 transferred under subsection (a).

21 (g) RULES OF CONSTRUCTION.—Nothing in this Act
22 shall—

23 (1) enlarge, impair, or otherwise affect any
24 right or claim of the Pechanga Band of Luiseno
25 Mission Indians to any land or interest in land that

1 is in existence before the date of the enactment of
2 this Act;

3 (2) affect any water right of the Pechanga
4 Band of Luiseno Mission Indians in existence before
5 the date of the enactment of this Act; or

6 (3) terminate any right-of-way or right-of-use
7 issued, granted, or permitted before the date of en-
8 actment of this Act.

9 (h) RESTRICTED USE OF TRANSFERRED LANDS.—

10 (1) IN GENERAL.—The lands transferred under
11 subsection (a) may be used only for the protection,
12 preservation, and maintenance of the archaeological,
13 cultural, and wildlife resources thereon.

14 (2) NO ROADS.—There shall be no roads other
15 than for maintenance purposes constructed on the
16 lands transferred under subsection (a).

Passed the House of Representatives July 30, 2007.

Attest: LORRAINE C. MILLER,
Clerk.