

Public Law 99-575
99th Congress

An Act

To authorize certain transfers affecting the Pueblo of Santa Ana in New Mexico, and for other purposes.

Oct. 28, 1986

[H.R. 4873]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Real property.

MINERAL RIGHTS HELD IN TRUST

SECTION 1. (a) All rights, title, and interests of the United States in the mineral estate of Section 19, Township 13 North, Range 4 East, New Mexico Principal Meridian, are hereby declared to be held by the United States in trust for the benefit of the Pueblo of Santa Ana.

(b) The United States hereby waives any claims or charges the United States may have or have assessed against the Pueblo of Santa Ana, including any claims for trespass, arising out of, or related to, the removal or exploitation by the Pueblo of Santa Ana of any minerals underlying Section 19, Township 13 North, Range 4 East, New Mexico Principal Meridian.

Claims.

(c) The Pueblo of Santa Ana and anyone acting on behalf of, or under the authority of, the Pueblo of Santa Ana may enter upon any lands within Section 19, Township 13 North, Range 4 East, New Mexico Principal Meridian, for the purposes of mining or otherwise removing or exploiting any minerals in such lands only if—

(1) the Pueblo of Santa Ana holds legal title to the surface estate of such lands,

(2) legal title to the surface estate of such lands is held by any person for the benefit of the Pueblo of Santa Ana, or

(3) the person holding legal title to the surface estate of such lands provides written consent for such entry.

ADDITIONAL LANDS HELD IN TRUST; TECHNICAL AMENDMENTS

SEC. 2. (a) Public Law 95-498 is amended by striking out "That all right" after the enacting clause and inserting in lieu thereof "That (a) all right".

92 Stat. 1672.

(b) Subsection (a) of the first section of Public Law 95-498 is amended—

(1) by striking out the comma after "northwest quarter" in the nineteenth line of the paragraph relating to Section 23, Township 13 North, Range 3 East, New Mexico Principal Meridian (92 Stat. 1673),

(2) by striking out "Rec. PP CL 10/10/62 and" in the paragraph relating to such Section 23,

(3) by striking out "northeast quarter, northeast quarter" in the fourth line of the paragraph relating to Section 25, Township 13 North, Range 3 East, New Mexico Principal Meridian (92 Stat. 1673) and inserting in lieu thereof "northeast quarter, southeast quarter",

(4) by striking out "7, 8 and bed" in the paragraph relating to Section 9, Township 13 North, Range 4 East, New Mexico Principal Meridian (92 Stat. 1674) and inserting in lieu thereof "7 and bed",

(5) by inserting the following new paragraph after the paragraph relating to Section 6, Township 14 North, Range 3 East, New Mexico Principal Meridian (92 Stat. 1674):

"Section 36:

Lots 1, 4, 8, 9,

Northeast quarter northeast quarter," and

(6) by inserting the following new paragraph after the paragraph relating to section 31 of Township 14 North, Range 4 East (92 Stat. 1675)":

"Section 32:

Southwest quarter, southwest quarter southeast quarter,".

92 Stat. 1676.

(c) Section 4 of Public Law 95-498 is amended—

(1) by striking out "Nothing in this" in subsection (a) and inserting in lieu thereof "(1) Nothing in this", and

(2) by adding at the end of subsection (a) the following new paragraph:

"(2) The United States retains an easement of access for the purpose of operating and maintaining the Jemez Canyon Dam upon existing rights-of-way over the lands that are declared to be held in trust of the benefit of the Pueblo of Santa Ana under this Act. The Pueblo of Santa Ana shall enjoy full use of such rights-of-way to the extent such use does not interfere with the reasonable operation and maintenance of the Jemez Canyon Dam."

92 Stat. 1677.

(d) Subsection (a) of section 7 of Public Law 95-498 is amended by striking out "2004.05 acres" and inserting in lieu thereof "1678.05".

(e) Lots 7 and 8, section 5, Township 14 North, Range 3 East, N.M.P.M. containing 18.04 acres more or less, are hereby declared to be held in trust by the United States for the exclusive benefit of the Pueblo of Zia.

EXCHANGE OF LANDS

SEC. 3. (a)(1) Notwithstanding the provisions of the Act of August 19, 1935 (49 Stat. 659, chapter 559), or of the patent issued thereunder (Patent No. 1079219), the Regents of the University of New Mexico are hereby authorized to convey to the United States, and the United States shall accept in trust for the benefit of the Pueblo of Santa Ana, all or any part of the following tracts of land, which were patented to such Regents under authority of the Act of August 19, 1935 (49 Stat. 659, chapter 559): Lots 7, 8, and 9 and the Northwest quarter of Section 30, Township 13 North, Range 4 East, New Mexico Principal Meridian, New Mexico, containing 218.3 acres, more or less.

(2) Upon the conveyance of any portion of the lands described in paragraph (1) to the United States in trust for the benefit of the Pueblo of Santa Ana, the restriction that the lands described in paragraph (1) be used for archeological purposes only, which is contained in the patent conveying the lands described in paragraph (1) to the Regents of the University of New Mexico pursuant to the Act of August 19, 1935 (49 Stat. 659, chapter 559), shall cease to be applicable to the portion of the lands described in paragraph (1) that is conveyed to the United States in trust for the benefit of the Pueblo of Santa Ana.

(3) If the Pueblo of Santa Ana determines to develop those lands conveyed under paragraph (1) that are located within 100 yards of the boundary of the Coronado State Monument archeological site, the Pueblo of Santa Ana shall—

(A) meet, and confer in good faith, with representatives of the Museum of New Mexico with respect to the potential adverse impacts of such proposed development on the Coronado State Monument archeological site, in order to try to insure that any development of that portion of such lands is consistent with the existing use of such Monument;

(B) consider all mitigation measures proposed by the Museum of New Mexico that lessen the adverse impact of the proposed development and preserve the aesthetic and related values associated with such Monument's archeological resources; and

(C) to the maximum extent practicable and consistent with the development plan of the Pueblo of Santa Ana, take all reasonable measures that will mitigate any adverse impacts of the proposed development on that portion of such lands.

(b) The Pueblo of Santa Ana is hereby authorized to convey to the Regents of the University of New Mexico, and the Regents of the University of New Mexico are hereby authorized to accept from the Pueblo of Santa Ana, a parcel of land within the El Ranchito Grant owned by the Pueblo of Santa Ana pursuant to Patent No. 84386, dated October 18, 1909, in exchange for the lands conveyed to the Pueblo of Santa Ana under subsection (a).

(c)(1) By no later than the date that is 60 days after the date of enactment of this Act, the Secretary of the Interior shall publish in the Federal Register the exact legal descriptions of the parcels to be conveyed under subsections (a) and (b), as such parcels are described by the terms of the Settlement Agreement agreed to by the Pueblo of Santa Ana, the Regents of the University of New Mexico, the United States of America, the State of New Mexico, the Museum of New Mexico, and the Park and Recreation Division of the New Mexico State Natural Resources Division on November 12, 1985.

Federal
Register,
publication.

(2) The conveyances authorized under subsections (a) and (b)—
(A) shall be made in accordance with the Settlement Agreement described in paragraph (1), and

(B) shall be made only after the legal descriptions of all lands to be conveyed under such subsections have been published in accordance with the requirements of paragraph (1).

(d) Upon the completion of the conveyances authorized herein, the south boundary of the Santa Ana Pueblo Reservation shall be extended to the south so as to include the land conveyed to the Pueblo of Santa Ana.

GENERAL PROVISIONS

SEC. 4. (a)(1) Nothing in this Act shall deprive any person (other than the United States) of—

(A) any 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

(B) any existing right of access to public domain lands over and across such trust lands.

Public lands.

Mines and mining.
Petroleum and petroleum products.

(2) 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 any other Federal law prior to the date of enactment of this Act shall remain in force and effect in accordance with the provisions of such other law.

Mines and mining.
Petroleum and petroleum products.

(3) Notwithstanding any other provisions of law, all applications for mineral leases involving lands declared to be held in trust by this Act, 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), any property held in trust by reason of this Act for the benefit of the Pueblo of Santa Ana shall 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 the Pueblo of Santa Ana.

25 USC 415.

SEC. 5. The second sentence of subsection (a) of section 1 of the Act approved August 9, 1955 (69 Stat. 539) is amended by inserting the term "the Pueblo of Santa Ana (with the exception of the lands known as the 'Santa Ana Pueblo Spanish Grant')" after the words "the Dania Reservation,".

Effective date.
25 USC 415 note.

SEC. 6. (a) Except as otherwise provided in this section, the provisions of this Act, and the amendments made by this Act, shall take effect on the date of enactment of this Act.

Effective date.
Federal Register, publication.

(b)(1) The provisions of subsections (a) and (b) of section 1 shall take effect on the day on which the Secretary of the Interior publishes in the Federal Register notice of a determination made by the Secretary of the Interior that the Pueblo of Santa Ana has consented to private easements of access over lands held by, or on behalf of, the Pueblo of Santa Ana, as recommended by the Secretary of the Interior, in accordance with the provisions of part 169 of title 25, Code of Federal Regulations, to each person—

(A) who without such an easement has no practical surface ingress or egress to property owned in fee simple by such person, and

(B) who has submitted to the Pueblo of Santa Ana and to the Secretary of the Interior an application for such an easement, in accordance with part 169 of such title, before the date that is 90 days after the date of enactment of this Act.

(2) The Secretary of the Interior may make a determination under paragraph (1) at any time after the date of enactment of this Act, but the Secretary of the Interior shall make a determination of whether the Pueblo of Santa Ana has consented to easements of access to each person described in paragraph (1) by no later than the date that is 30 days after the date on which the Pueblo of Santa Ana requests the Secretary of the Interior to make such a determination.

Approved October 28, 1986.

LEGISLATIVE HISTORY—H.R. 4873:

HOUSE REPORTS: No. 99-818 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 132 (1986):

Sept. 16, considered and passed House.

Oct. 6, considered and passed Senate, amended.

Oct. 15, House concurred in Senate amendment.