Public Law 98-344
98th Congress

An Act

To declare that the United States holds certain lands in trust for the Pueblo de Cochiti.

July 9, 1984
[S. 2403]

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 lands described in section 2 (including all improvements thereon and appurtenances thereto) are declared to be held in trust by the United States for the Pueblo de Cochiti (hereinafter in this Act referred to as "the Pueblo"), subject to the provisions of sections 3 and 7.

New Mexico.
Indians.

SEC. 2. The lands referred to in the first section are the lands—

(1) situated in the counties of Sandoval and Santa Fe in the State of New Mexico,

(2) known as the Santa Cruz Spring tract,

(3) described on page 6 of the report of Milford T. Keene, Land Surveyor, Southern Pueblos Agency, Bureau of Indian Affairs, Albuquerque, New Mexico, dated February 26, 1981, and

(4) recorded in the files of the Bureau of Indian Affairs, Southern Pueblos Agency.

SEC. 3. Nothing in this Act shall be construed to deprive any individual or entity of any legal existing right-of-way, legal mining claim, legal grazing permit, legal water right, or other legal right or legal interest such individual or entity may have in the lands described in section 2.

SEC. 4. Before the end of the one-year period beginning on the date of enactment of this Act, the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") shall—

Survey.

(1) conduct a cadastral survey of the lands described in section 2,

(2) make any correction in the description of such lands which is necessary as a result of such survey, and

(3) publish any such correction in the Federal Register.

Federal Register, publication.

SEC. 5. The lands which are declared to be held in trust by the Secretary pursuant to the first section shall be part of the Pueblo Reservation and shall be subject to the laws and rules of law of the United States relating to Indian lands. Such lands shall not be developed for any use other than a use in existence on the date of enactment of this Act.

SEC. 6. (a) Nonmembers of the Pueblo who, on the date of enactment of this Act, are permittees of lands described in section 2 of this Act shall be given the opportunity to renew their permits under rules and regulations of the Secretary to the same extent and in the same manner that such permits could have been renewed if this Act had not been enacted, subject to the provisions of subsection (b) of this section.

(b) Permits renewed under subsection (a) of this section shall expire upon the death of the permittee or within thirty years of the date of enactment of this Act, whichever occurs later: *Provided,*

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That, if the permittee dies within thirty years of the date of enactment of this Act, his spouse or children may assume the permit for the balance of the thirty-year period upon notice to the Pueblo and the Bureau of Indian Affairs.

(c) If the Pueblo obtains the relinquishment of grazing permits in the Caja del Rio allotment in the Santa Fe National Forest for that number of animal unit months equal to the number of animal unit months provided under permit by the United States Forest Service as of the date of enactment of this Act within that portion of Caja del Rio allotment which overlaps the Santa Cruz Spring tract, then the remaining permittees in the Caja del Rio allotment shall have no further interest in the Santa Cruz Spring tract and no further right to renew their permits within said tract. The remaining permittees of the Caja del Rio allotment shall suffer no diminution of their grazing rights within that portion of the Caja del Rio allotment which does not overlap the Santa Cruz Spring tract.

(d) After the date of enactment of this Act, the Secretary shall deposit any and all fees paid by permittees under existing or renewed permits for grazing animal unit months on the Santa Cruz Spring tract into the Treasury of the United States to the credit of the Pueblo.

(e) The Pueblo may obtain the relinquishment of any or all of the permits in the Santa Cruz Spring tract, or as provided in subsection (c) of this section, in the Caja del Rio allotment under such terms and conditions as may be mutually agreeable. In consideration of such relinquishments, the Pueblo is authorized to grant leases, permits, or licenses for agricultural or grazing purposes to existing permittees in lands presently part of the Pueblo Reservation or added thereto pursuant to section 5 of this Act, subject to the approval of the Secretary for terms not to exceed fifty years. The Secretary is authorized to disburse from tribal funds in the Treasury of the United States to the credit of the Pueblo so much thereof as may be necessary to pay for such relinquishments and for the purchase of any rights or improvements on said lands owned by nonmembers of the Pueblo. The authority to pay for relinquishment of a permit pursuant to this subsection shall not be regarded as a recognition of any property right of the permittee in the land or its resources.

SEC. 7. Until such time as the Cochiti Lake Project is deauthorized by the Congress, the Secretary shall give full recognition to all interests in lands acquired by the Department of the Army through fee acquisition and under Memorandums of Agreement with the Departments of Agriculture, Interior, and Energy, the University of New Mexico, and the Pueblo de Cochiti, for the operation and maintenance of Cochiti Lake on a portion of the lands herein declared in trust.

SEC. 8. The Secretary shall recognize and grant necessary easements for access on lands described in section 2 of this Act for the following purposes:

(1) Access to recreational sites maintained by the United States.

(2) Access to parcels of land owned by private parties.

(3) Access to lands subject to valid permits as necessary to allow the permittees to exercise rights granted in such permits.

The fees charged for any valid utility right-of-way or easement shall not be greater than the current Federal rate for such an easement.

SEC. 9. The water rights appurtenant to the lands described in section 2 shall be those water rights existing under State law on the date of enactment of this Act. Nothing in this Act shall be construed to create or convey any water rights other than those existing under State law on the date of enactment of this Act.

Water rights.

Approved July 9, 1984.

LEGISLATIVE HISTORY—S. 2403 (H.R. 3259):

HOUSE REPORT No. 98-421 accompanying H.R. 3259 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 98-409 (Select Comm. on Indian Affairs).
CONGRESSIONAL RECORD:
Vol. 129 (1983): Nov. 7, 1983, H.R. 3259 considered and passed House.
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June 21, S. 2403 considered and passed House.