

gious or cultural access to, and use of, Federal land.

(c) Previous extinguishments unimpaired

Nothing in this subchapter affects any prior extinguishments of rights or claims of the Pueblo which may have occurred by operation of law.

(d) Boundaries and title unaffected

(1) Boundaries

Nothing in this subchapter affects the location of the boundaries of the Pueblo de San Ildefonso Grant.

(2) Rights, title, and interest

Nothing in this subchapter affects, ratifies, or confirms the right, title, or interest of the Pueblo in the land held by, or for the benefit of, the Pueblo, including the land described in Appendix D of the Settlement Agreement.

(Pub. L. 109–286, §5, Sept. 27, 2006, 120 Stat. 1220.)

REFERENCES IN TEXT

An Act to quiet the title to lands within Pueblo Indian land grants, and for other purposes, referred to in subsec. (b)(2)(B), is act June 7, 1924, ch. 331, 43 Stat. 636, known as the Pueblo Lands Act of 1924, which is set out as a note under section 331 of this title.

§ 1780d. Settlement Fund

(a) Establishment

There is established in the Treasury a fund to be known as the “Pueblo de San Ildefonso Land Claims Settlement Fund”.

(b) Conditions

Monies deposited in the Settlement Fund shall be subject to the following conditions:

(1) Maintenance and investment

The Settlement Fund shall be maintained and invested by the Secretary of the Interior pursuant to the Act of June 24, 1938 (25 U.S.C. 162a).

(2) Use of funds

Subject to paragraph (3), monies deposited into the Settlement Fund shall be expended by the Pueblo—

(A) to acquire the federally administered Settlement Area Land;

(B) to pay for the acquisition of the Water System Land, as provided in the Los Alamos Agreement; and

(C) at the option of the Pueblo, to acquire other land.

(3) Effect of withdrawal

If the Pueblo withdraws monies from the Settlement Fund, neither the Secretary of the Interior nor the Secretary of the Treasury shall retain any oversight over, or liability for, the accounting, disbursement, or investment of the withdrawn funds.

(4) Per capita distribution

No portion of the funds in the Settlement Fund may be paid to Pueblo members on a per capita basis.

(5) Acquisition of land

The acquisition of land with funds from the Settlement Fund shall be on a willing-seller,

willing-buyer basis, and no eminent domain authority may be exercised for purposes of acquiring land for the benefit of the Pueblo under this subchapter.

(6) Effect of other laws

The Act of October 19, 1973 (Public Law 93–134; 87 Stat. 466) and section 4023 of this title shall not apply to the Settlement Fund. (Pub. L. 109–286, §6, Sept. 27, 2006, 120 Stat. 1221.)

REFERENCES IN TEXT

Act of June 24, 1938, referred to in subsec (b)(1), is act June 24, 1938, ch. 648, 52 Stat. 1037, which enacted section 162a of this title, repealed section 162 of this title, and enacted provisions set out as a note under section 162a of this title. For complete classification of this Act to the Code, see Tables.

Act of October 19, 1973, referred to in subsec. (b)(6), is Pub. L. 93–134, Oct. 19, 1973, 87 Stat. 466, known as the Indian Tribal Judgment Funds Use or Distribution Act, which is classified generally to chapter 16 (§1401 et seq.) of this title. For complete classification of this Act to the Code, see section 1401(c) of this title and Tables.

§ 1780e. Land ownership adjustments

(a) Authorization

(1) In general

The Secretary of Agriculture may sell the Settlement Area Land, Water System Land, and Los Alamos Townsite Land, on such terms and conditions as are agreed upon and described in the Settlement Agreement and the Los Alamos Agreement, including reservations for administrative access and other access as shown on Appendix B of the Settlement Agreement.

(2) Effect of claims and cause of action

Consideration for any land authorized for sale by the Secretary of Agriculture shall not be offset or reduced by any claim or cause of action by any party to whom the land is conveyed.

(b) Consideration

The consideration to be paid for the Federal land authorized for sale in subsection (a) shall be—

(1) for the Settlement Area Land and Water System Land, the consideration agreed upon in the Settlement Agreement; and

(2) for the Los Alamos Townsite Land, the current market value based on an appraisal approved by the Forest Service as being in conformity with the latest edition of the Uniform Appraisal Standards for Federal Land Acquisitions.

(c) Disposition of receipts

(1) In general

All monies received by the Secretary of Agriculture from the sale of National Forest System land as authorized by this subchapter, including receipts from the Northern Tier Land, shall be deposited into the fund established in the Treasury of the United States pursuant to the Sisk Act and shall be available, without further appropriation, authorization, or administrative apportionment for the purchase of land by the Secretary of Agriculture for National Forest System purposes in the State of

New Mexico, and for associated administrative costs.

(2) Use of funds

Funds deposited in a Sisk Act fund pursuant to this subchapter shall not be subject to transfer or reprogramming for wildlands fire management or any other emergency purposes, or used to reimburse any other account.

(3) Acquisitions of land

In expending funds to exercise its rights under the Settlement Agreement and the Los Alamos Agreement with respect to the acquisition of the Settlement Area Land, the County's acquisitions of the Water System Land, and the Northern Tier Land (if the Pueblo exercises an option to purchase the Northern Tier Land as provided in section 1780j(b)(2)(A) of this title,¹ the Pueblo shall use only funds in the Settlement Fund and shall not augment those funds from any other source.

(d) Valid existing rights and reservations

(1) In general

The Settlement Area Land acquired by the Pueblo shall be subject to all valid existing rights on September 27, 2006, including rights of administrative access.

(2) Water rights

No water rights shall be conveyed by the United States.

(3) Special use authorization

(A) In general

Nothing in this subchapter shall affect the validity of any special use authorization issued by the Forest Service within the Settlement Area Land, except that such authorizations shall not be renewed upon expiration.

(B) Reasonable access

For access to valid occupancies within the Settlement Area Land, the Pueblo and the Secretary of the Interior shall afford rights of reasonable access commensurate with that provided by the Secretary of Agriculture on or before September 27, 2006.

(4) Water System Land and Los Alamos Townsite Land

The Water System Land and Los Alamos Townsite Land acquired by the County shall be subject to—

(A) all valid existing rights; and

(B) the rights reserved by the United States under the Los Alamos Agreement.

(5) Private landowners

(A) In general

Upon acquisition by the Pueblo of the Settlement Area Land, the Secretary of the Interior, acting on behalf of the Pueblo and the United States, shall execute easements in accordance with any right reserved by the United States for the benefit of private landowners owning property that requires the use of Forest Development Road 416 (as in existence on September 27, 2006) and other

roads that may be necessary to provide legal access into the property of the landowners, as the property is used on September 27, 2006.

(B) Maintenance of roads

Neither the Pueblo nor the United States shall be required to maintain roads for the benefit of private landowners.

(C) Easements

Easements shall be granted, without consideration, to private landowners only upon application of such landowners to the Secretary.

(e) Forest development roads

(1) United States right to use

Subject to any right-of-way to use, cross, and recross a road, the United States shall reserve and have free and unrestricted rights to use, operate, maintain, and reconstruct (at the same level of development, as in existence on the date of the Settlement Agreement), those sections of Forest Development Roads 57, 442, 416, 416v, 445 and 445ca referenced in Appendix B of the Settlement Agreement for any and all public and administrative access and other Federal governmental purposes, including access by Federal employees, their agents, contractors, and assigns (including those holding Forest Service permits).

(2) Certain roads

Notwithstanding paragraph (1), the United States—

(A) may improve Forest Development Road 416v beyond the existing condition of that road to a high clearance standard road (level 2); and

(B) shall have unrestricted administrative access and non-motorized public trail access to the portion of Forest Development Road 442 depicted in Appendix B to the Settlement Agreement.

(f) Private mining operations

(1) COPAR Pumice Mine

The United States and the Pueblo shall allow the COPAR Pumice Mine to continue to operate as provided in the Contract For The Sale Of Mineral Materials dated May 4, 1994, and for COPAR to use portions of Forest Development Roads 57, 442, 416, and other designated roads within the area described in the contract, for the period of the contract and thereafter for a period necessary to reclaim the site.

(2) Continuing jurisdiction

(A) Administration

Continuing jurisdiction of the United States over the contract for the sale of mineral materials shall be administered by the Secretary of the Interior.

(B) Expiration of contract

Upon expiration of the contract described in subparagraph (A), jurisdiction over reclamation shall be assumed by the Secretary of the Interior.

(3) Effect on existing rights

Nothing in this subchapter limits or enhances the rights of COPAR under the Con-

¹ So in original. Probably should be "title".

tract For The Sale Of Mineral Materials dated May 4, 1994.

(Pub. L. 109-286, §7, Sept. 27, 2006, 120 Stat. 1221.)

§ 1780f. Conveyances

(a) Authorization

(1) Consideration from Pueblo

Upon receipt of the consideration from the Pueblo for the Settlement Area Land and the Water System Land, the Secretary of Agriculture shall execute and deliver—

(A) to the Pueblo, a quitclaim deed to the Settlement Area Land; and

(B) to the County, a quitclaim deed to the Water System Land, reserving—

(i) a contingent remainder in the United States in trust for the benefit of the Pueblo in accordance with the Los Alamos Agreement; and

(ii) a right of access for the United States for the Pueblo for ceremonial and other cultural purposes.

(2) Consideration from County

Upon receipt of the consideration from the County for all or a portion of the Los Alamos Townsite Land, the Secretary of Agriculture shall execute and deliver to the County a quitclaim deed to all or portions of such land, as appropriate.

(3) Execution

An easement or deed of conveyance by the Secretary of Agriculture under this subchapter shall be executed by the Director of Lands and Minerals, Forest Service, Southwestern Region, Department of Agriculture.

(b) Authorization for Pueblo to convey in trust

Upon receipt by the Pueblo of the quitclaim deed to the Settlement Land under subsection (a)(1), the Pueblo may quitclaim the Settlement Land to the United States, in trust for the Pueblo.

(c) Adequacy of conveyance instruments

Notwithstanding the status of the Federal land as public domain or acquired land, no instrument of conveyance other than a quitclaim deed shall be required to convey the Settlement Area Land, the Water System Land, the Northern Tier Land, or the Los Alamos Townsite Land under this subchapter.

(d) Surveys

The Secretary of Agriculture is authorized to perform and approve any required cadastral survey.

(e) Contributions

Notwithstanding section 3302 of title 31 or any other provision of law, the Secretary of Agriculture may accept and use contributions of cash or services from the Pueblo, other governmental entities, or other persons—

(1) to perform and complete required cadastral surveys for the Settlement Area Land, the Water System Land, the Northern Tier Land, or the Los Alamos Townsite Land, as described in the Settlement Agreement or the Los Alamos Agreement; and

(2) to carry out any other project or activity under—

(A) this subchapter;

(B) the Settlement Agreement; or

(C) the Los Alamos Agreement.

(Pub. L. 109-286, §8, Sept. 27, 2006, 120 Stat. 1224.)

§ 1780g. Trust status and National Forest boundaries

(a) Operation of law

Without any additional administrative action by the Secretary of Agriculture or the Secretary of the Interior—

(1) on recording the quitclaim deed or deeds from the Pueblo to the United States in trust for the Pueblo under section 1780f(b) of this title in the Land Titles and Records Office, Southwest Region, Bureau of Indian Affairs—

(A) the Settlement Area Land shall be held in trust by the United States for the benefit of the Pueblo; and

(B) the boundaries of the Santa Fe National Forest shall be deemed to be modified to exclude from the National Forest System the Settlement Area Land; and

(2) on recording the quitclaim deed or deeds from the Secretary of Agriculture to the County of the Water System Land in the county land records, the boundaries of the Santa Fe National Forest shall be deemed to be modified to exclude from the National Forest System the Water System Land.

(b) Future interests

If fee title to the Water System Land vests in the Pueblo by conveyance or operation of law, the Water System Land shall be deemed to be held in trust by the United States for the benefit of the Pueblo, without further administrative procedures or environmental or other analyses.

(c) Nonintercourse Act

Any land conveyed to the Secretary of the Interior in trust for the Pueblo or any other tribe in accordance with this subchapter shall be—

(1) subject to the Act of June 30, 1834 (25 U.S.C. 177); and

(2) treated as reservation land.

(Pub. L. 109-286, §9, Sept. 27, 2006, 120 Stat. 1224.)

REFERENCES IN TEXT

Act of June 30, 1834, referred to in subsec. (c)(1), is act June 30, 1834, ch. 161, 4 Stat. 729. The act was incorporated into the Revised Statutes as R.S. §§533, 2111 to 2113, 2116 to 2118, 2124 to 2126, 2129 to 2135, 2137, 2141, 2145, 2147, 2150 to 2152, and 2154 to 2157. For complete classification of those sections of the Revised Statutes to the Code, see Tables.

§ 1780h. Interim management

Subject to valid existing rights, prior to the conveyance under section 1780g of this title, the Secretary of Agriculture, with respect to the Settlement Area Land, the Water System Land, the Northern Tier Land, and the Los Alamos Townsite Land—

(1) shall not encumber or dispose of the land by sale, exchange, or special use authorization, in such a manner as to substantially reduce the market value of the land;

(2) shall take any action that the Secretary determines to be necessary or desirable—