

subject to valid existing rights, from any new public use or entry under any Federal land law, except for permits not to exceed 1 year, and shall not be identified for any disposition by or for any agency, and no mineral production or harvest of forest products shall be permitted, except that nothing in this subsection shall preclude forest management practices on such lands, including the harvest of timber in the event of fire, disease, or insect infestation; and

(5) once the Pueblo has acquired title to the former National Forest System lands, these lands may be conveyed by the Pueblo to the Secretary of the Interior who shall accept and hold such lands in the name of the United States in trust for the benefit of the Pueblo.

(Pub. L. 106-425, § 5, Nov. 1, 2000, 114 Stat. 1892.)

REFERENCES IN TEXT

Act of June 30, 1834, referred to in subsec. (a)(4)(A), is act June 30, 1834, ch. 161, 4 Stat. 729, as amended. That 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.

Act of June 7, 1924, referred to in subsec. (a)(4)(A), is act June 7, 1924, ch. 331, 43 Stat. 636, as amended, known as the Pueblo Lands Act of 1924, which is set out as a note under section 331 of this title.

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 (b)(1)(A), is act June 24, 1938, ch. 648, 52 Stat. 1037, as amended, which enacted section 162a of this title, repealed section 162 of this title, and enacted provisions set out as a note under section 162a of this title.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

Public Law 93-134, referred to in subsec. (b)(1)(F), is Pub. L. 93-134, Oct. 19, 1973, 87 Stat. 466, as amended, 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.

§ 1777d. Affirmation of accurate boundaries of Santo Domingo Pueblo Grant

(a) In general

The boundaries of the Santo Domingo Pueblo Grant, as determined by the 1907 Hall-Joy Survey, confirmed in the Report of the Pueblo Lands Board, dated December 28, 1927, are hereby declared to be the current boundaries of the Grant and any lands currently owned by or on behalf of the Pueblo within such boundaries, or any lands hereinafter acquired by the Pueblo within the Grant in fee simple absolute, shall be considered to be Indian country within the meaning of section 1151 of title 18.

(b) Limitation

Any lands or interests in lands within the Santo Domingo Pueblo Grant, that are not owned or acquired by the Pueblo, shall not be treated as Indian country within the meaning of section 1151 of title 18.

(c) Acquisition of Federal lands

Any Federal lands acquired by the Pueblo pursuant to section 1777c(c)(1) of this title shall be held in trust by the Secretary for the benefit of the Pueblo, and shall be treated as Indian country within the meaning of section 1151 of title 18.

(d) Land subject to provisions

Any lands acquired by the Pueblo pursuant to section 1777c(c) of this title, or with funds subject to section 1777c(b) of this title, shall be subject to the provisions of section 17 of the Act of June 7, 1924 (43 Stat. 641; commonly referred to as the Pueblo Lands Act).

(e) Rule of construction

Nothing in this subchapter or in the Settlement Agreement shall be construed to—

(1) cloud title to federally administered lands or non-Indian or other Indian lands, with regard to claims of title which are extinguished pursuant to section 1777c of this title; or

(2) affect actions taken prior to November 1, 2000, to manage federally administered lands within the boundaries of the Santo Domingo Pueblo Grant.

(Pub. L. 106-425, § 6, Nov. 1, 2000, 114 Stat. 1895.)

REFERENCES IN TEXT

Act of June 7, 1924, referred to in subsec. (d), is act June 7, 1924, ch. 331, 43 Stat. 636, as amended, known as the Pueblo Lands Act of 1924, which is set out as a note under section 331 of this title.

§ 1777e. Miscellaneous provisions

(a) Exchange of certain lands with New Mexico

(1) In general

Not later than 2 years after November 1, 2000, the Secretary shall acquire by exchange the State of New Mexico trust lands located in township 16 north, range 4 east, section 2, and all interests therein, including improvements, mineral rights and water rights.

(2) Use of other lands

In acquiring lands by exchange under paragraph (1), the Secretary may utilize unappropriated public lands within the State of New Mexico.

(3) Value of lands

The lands exchanged under this subsection shall be of approximately equal value, and the Secretary may credit or debit the ledger account established in the Memorandum of Understanding between the Bureau of Land Management, the New Mexico State Land Office, and the New Mexico Commissioner of Public Lands, in order to equalize the values of the lands exchanged.

(4) Conveyance

(A) By Secretary

Upon the acquisition of lands under paragraph (1), the Secretary shall convey all title and interest to such lands to the Pueblo by sale, exchange or otherwise, and the Pueblo shall have the exclusive right to acquire such lands.

(B) By Pueblo

Upon the acquisition of lands under subparagraph (A), the Pueblo may convey such land to the Secretary who shall accept and hold such lands in trust for the benefit of the Pueblo.

(b) Other exchanges of land**(1) In general**

In order to further the purposes of this subchapter—

(A) the Pueblo may enter into agreements to exchange restricted lands for lands described in paragraph (2); and

(B) any land exchange agreements between the Pueblo and any of the parties to the action referred to in paragraph (2) that are executed not later than December 31, 2001, shall be deemed to be approved.

(2) Lands

The land described in this paragraph is the land, title to which was at issue in *Pueblo of Santo Domingo v. Rael* (Civil No. 83-1888 (D.N.M.)).

(3) Land to be held in trust

Upon the acquisition of lands under paragraph (1), the Pueblo may convey such land to the Secretary who shall accept and hold such lands in trust for the benefit of the Pueblo.

(4) Rule of construction

Nothing in this subsection shall be construed to limit the provisions of section 1777c(a) of this title relating to the extinguishment of the land claims of the Pueblo.

(c) Approval of certain resolutions

All agreements, transactions, and conveyances authorized by Resolutions 97-010 and C22-99 as enacted by the Tribal Council of the Pueblo of Cochiti, and Resolution S.D. 12-99-36 as enacted by the Tribal Council of the Pueblo of Santo Domingo, pertaining to boundary disputes between the Pueblo de Cochiti and the Pueblo of Santo Domingo, are hereby approved, including the Pueblo de Cochiti's agreement to relinquish its claim to the southwest corner of its Spanish Land Grant, to the extent that such land overlaps with the Santo Domingo Pueblo Grant, and to disclaim any right to receive compensation from the United States or any other party with respect to such overlapping lands.

(Pub. L. 106-425, §7, as added Pub. L. 106-434, §3, Nov. 6, 2000, 114 Stat. 1913.)

SUBCHAPTER XII—TORRES-MARTINEZ
DESERT CAHUILLA INDIANS CLAIMS
SETTLEMENT

§ 1778. Congressional findings and purpose**(a) Findings**

The Congress finds the following:

(1) In 1876, the Torres-Martinez Indian Reservation was created, reserving a single, 640-acre section of land in the Coachella Valley, California, north of the Salton Sink. The Reservation was expanded in 1891 by Executive order, pursuant to the Mission Indian Relief Act of 1891, adding about 12,000 acres to the original 640-acre reservation.

(2) Between 1905 and 1907, flood waters of the Colorado River filled the Salton Sink, creating the Salton Sea, inundating approximately 2,000 acres of the 1891 reservation lands.

(3) In 1909, an additional 12,000 acres of land, 9,000 of which were then submerged under the

Salton Sea, were added to the reservation under a Secretarial Order issued pursuant to a 1907 amendment of the Mission Indian Relief Act. Due to receding water levels in the Salton Sea through the process of evaporation, at the time of the 1909 enlargement of the reservation, there were some expectations that the Salton Sea would recede within a period of 25 years.

(4) Through the present day, the majority of the lands added to the reservation in 1909 remain inundated due in part to the flowage of natural runoff and drainage water from the irrigation systems of the Imperial, Coachella, and Mexicali Valleys into the Salton Sea.

(5) In addition to those lands that are inundated, there are also tribal and individual Indian lands located on the perimeter of the Salton Sea that are not currently irrigable due to lack of proper drainage.

(6) In 1982, the United States brought an action in trespass entitled “United States of America, in its own right and on behalf of Torres-Martinez Band of Mission Indians and the Allottees therein v. the Imperial Irrigation District and Coachella Valley Water District”, Case No. 82-1790 K (M) (hereafter in this section referred to as the “U.S. Suit”) on behalf of the Torres-Martinez Indian Tribe and affected Indian allottees against the two water districts seeking damages related to the inundation of tribal- and allottee-owned lands and injunctive relief to prevent future discharge of water on such lands.

(7) On August 20, 1992, the Federal District Court for the Southern District of California entered a judgment in the U.S. Suit requiring the Coachella Valley Water District to pay \$212,908.41 in past and future damages and the Imperial Irrigation District to pay \$2,795,694.33 in past and future damages in lieu of the United States request for a permanent injunction against continued flooding of the submerged lands.

(8) The United States, the Coachella Valley Water District, and the Imperial Irrigation District have filed notices of appeal with the United States Court of Appeals for the Ninth Circuit from the district court's judgment in the U.S. Suit (Nos. 93-55389, 93-55398, and 93-55402), and the Tribe has filed a notice of appeal from the district court's denial of its motion to intervene as a matter of right (No. 92-55129).

(9) The Court of Appeals for the Ninth Circuit has stayed further action on the appeals pending the outcome of settlement negotiations.

(10) In 1991, the Tribe brought its own lawsuit, *Torres-Martinez Desert Cahuilla Indians, et al., v. Imperial Irrigation District, et al.*, Case No. 91-1670 J (LSP) (hereafter in this section referred to as the “Indian Suit”) in the United States District Court, Southern District of California, against the two water districts, and amended the complaint to include as a plaintiff, Mary Resvaloso, in her own right, and as class representative of all other affected Indian allotment owners.

(11) The Indian Suit has been stayed by the district court to facilitate settlement negotiations.