

## REFERENCES IN TEXT

Sections 539m to 539m-12 of this title, referred to in text, was in the original “this title”, meaning title IV of div. F of Pub. L. 108-7, Feb. 20, 2003, 117 Stat. 279, which is classified generally to sections 539m to 539m-12 of this title. For complete classification of title IV to the Code, see Short Title note set out under section 539m of this title and Tables.

## CODIFICATION

Section is comprised of section 411 of div. F of Pub. L. 108-7. Subsec. (e) of section 411 of div. F of Pub. L. 108-7 amended section 1746 of Title 43, Public Lands.

**§ 539m-10. Judicial review****(a) Enforcement**

A civil action to enforce the provisions of sections 539m to 539m-12 of this title may be brought to the extent permitted under chapter 7 of title 5. Judicial review shall be based on the administrative record and subject to the applicable standard of review set forth in section 706 of title 5.

**(b) Waiver**

A civil action may be brought against the Pueblo for declaratory judgment or injunctive relief under sections 539m to 539m-12 of this title, but no money damages, including costs or attorney’s fees, may be imposed on the Pueblo as a result of such judicial action.

**(c) Venue**

Venue for any civil action provided for in this section, as well as any civil action to contest the constitutionality of sections 539m to 539m-12 of this title, shall lie only in the United States District Court for the District of New Mexico.

(Pub. L. 108-7, div. F, title IV, § 412, Feb. 20, 2003, 117 Stat. 291.)

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**§ 539m-11. Provisions relating to contributions and land exchange****(a) Contributions****(1) In general**

The Secretary may accept contributions from the Pueblo, or from other persons or governmental entities—

(A) to perform and complete a survey of the Area; or

(B) to carry out any other project or activity for the benefit of the Area in accordance with sections 539m to 539m-12 of this title.

**(2) Deadline**

Not later than 1 year after February 20, 2003, the Secretary shall complete the survey of the Area under paragraph (1)(A).

**(b) Land exchange****(1) In general**

Not later than 180 days after February 20, 2003, after consultation with the Pueblo, the

Secretary shall, in accordance with applicable laws, prepare and offer a land exchange of National Forest land outside the Area and contiguous to the northern boundary of the Pueblo’s Reservation within sections 3, 10, 11, and 14 of T12N, R4E, N.M.P.M., Sandoval County, New Mexico excluding wilderness land, for land owned by the Pueblo in the Evergreen Hills subdivision in Sandoval County contiguous to National Forest land, and the La Luz tract in Bernalillo County.

**(2) Acceptance of payment**

Notwithstanding section 1716(b) of title 43, the Secretary may either make or accept a cash equalization payment in excess of 25 percent of the total value of the land or interests transferred out of Federal ownership.

**(3) Funds received**

Any funds received by the Secretary as a result of the exchange shall be deposited in the fund established under section 484a of this title, and shall be available to purchase non-Federal land within or adjacent to the National Forests in the State of New Mexico.

**(4) Treatment of land exchanged or conveyed**

All land exchanged or conveyed to the Pueblo is declared to be held in trust for the Pueblo by the United States and added to the Pueblo’s Reservation subject to all existing and outstanding rights and shall, as a condition of the title to be conveyed, remain in its natural state and shall not be subject to commercial development of any kind. Land exchanged or conveyed to the Forest Service shall be subject to all limitations on use pertaining to the Area under sections 539m to 539m-12 of this title.

**(5) Failure to make offer**

If the land exchange offer is not made by the date that is 180 days after February 20, 2003, the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives, a report explaining the reasons for the failure to make the offer including an assessment of the need for any additional legislation that may be necessary for the exchange. If additional legislation is not necessary, the Secretary, consistent with this section, should proceed with the exchange pursuant to existing law.

**(6) Failure to exchange****(A) In general**

If the land exchange authorized under paragraph (1) is not completed by the date that is 30 days after June 9, 2014, the Secretary, on request of the Pueblo and the Secretary of the Interior, shall transfer the National Forest land generally depicted as “Land to be Held in Trust” on the map entitled “Sandia Pueblo Settlement Technical Amendment Act” and dated October 18, 2013, to the Secretary of the Interior to be held in trust by the United States for the Pueblo—

(i) subject to the restriction enforced by the Secretary of the Interior that the land

remain undeveloped, with the natural characteristics of the land to be preserved in perpetuity; and

(ii) consistent with subsection (c).

**(B) Other transfers**

After the transfer under subparagraph (A) is complete, the Secretary of the Interior, with the consent of the Pueblo, shall—

(i) transfer to the Secretary, consistent with section 539m-9(c) of this title—

(I) the La Luz tract generally depicted on the map entitled “Sandia Pueblo Settlement Technical Amendment Act” and dated October 18, 2013; and

(II) the conservation easement for the Piedra Lisa tract generally depicted on the map entitled “Sandia Pueblo Settlement Technical Amendment Act” and dated October 18, 2013; and

(ii) grant to the Secretary a right-of-way for the Piedra Lisa Trail within the Piedra Lisa tract generally depicted on the map entitled “Sandia Pueblo Settlement Technical Amendment Act” and dated October 18, 2013.

**(c) Land acquisition and other compensation**

**(1) In general**

The Secretary may acquire land owned by the Pueblo within the Evergreen Hills Subdivision in Sandoval County or any other privately held land inside of the exterior boundaries of the Area. The boundaries of the Cibola National Forest and the Area shall be adjusted to encompass any land acquired pursuant to this section.

**(2) Piedra Lisa tract**

Subject to the availability of appropriations, the Secretary shall compensate the Pueblo for the fair market value of—

(A) the right-of-way established pursuant to section 539m-7(h)(3)(C) of this title; and

(B) the conservation easement established by the limitations on use of the Piedra Lisa tract pursuant to section 539m-7(b)(2) of this title.

**(d) Reimbursement of certain costs**

**(1) In general**

The Pueblo, the County of Bernalillo, New Mexico, and any person that owns or has owned property inside of the exterior boundaries of the Area as designated on the map, and who has incurred actual and direct costs as a result of participating in the case of Pueblo of Sandia v. Babbitt, Civ. No. 94-2624 HHG (D.D.C.), or other proceedings directly related to resolving the issues litigated in that case, may apply for reimbursement in accordance with this section. Costs directly related to such participation which shall qualify for reimbursement shall be—

(A) dues or payments to a homeowner association for the purpose of legal representation; and

(B) legal fees and related expenses.

**(2) Treatment of reimbursement**

Any reimbursement provided in this subsection shall be in lieu of that which might

otherwise be available pursuant to the Equal Access to Justice Act (24<sup>1</sup> U.S.C. 2412).

**(3) Payments**

Subject to the availability of appropriated funds the Secretary of the Treasury shall make reimbursement payments as provided in this section.

**(4) Applications**

Not later than 180 days after February 20, 2003, applications for reimbursement shall be filed with the Department of the Treasury, Financial Management Service, Washington, D.C.

**(5) Maximum reimbursement**

No party shall be reimbursed in excess of \$750,000 under this section, and the total amount reimbursed in accordance with this section shall not exceed \$3,000,000.

(Pub. L. 108-7, div. F, title IV, §413, Feb. 20, 2003, 117 Stat. 292; Pub. L. 111-11, title III, §3309, Mar. 30, 2009, 123 Stat. 1139; Pub. L. 113-119, §2, June 9, 2014, 128 Stat. 1185.)

REFERENCES IN TEXT

Sections 539m to 539m-12 of this title, referred to in subsecs. (a)(1)(B) and (b)(4), was in the original “this title”, meaning title IV of div. F of Pub. L. 108-7, Feb. 20, 2003, 117 Stat. 279, which is classified generally to sections 539m to 539m-12 of this title. For complete classification of title IV to the Code, see Short Title note set out under section 539m of this title and Tables.

Section 1716(b) of title 43, referred to in subsec. (b)(2), was in the original “section 206(b) of the Federal Land Policy and Management Act” and was translated as reading “section 206(b) of the Federal Land Policy and Management Act of 1976” to reflect the probable intent of Congress.

The Equal Access to Justice Act, referred to in subsec. (d)(2), is title II of Pub. L. 96-481, Oct. 21, 1980, 94 Stat. 2325, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 504 of Title 5, Government Organization and Employees, and Tables.

AMENDMENTS

2014—Subsec. (b)(4). Pub. L. 113-119, §2(1), substituted “title to be conveyed” for “conveyance”.

Subsec. (b)(6). Pub. L. 113-119, §2(2), added par. (6).

2009—Subsec. (b)(1). Pub. L. 111-11, §3309(1), inserted “3,” after “sections”.

Subsec. (b)(4). Pub. L. 111-11, §3309(2), inserted “, as a condition of the conveyance,” before “remain” in first sentence.

CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

**§ 539m-12. Authorization of appropriations**

There are authorized to be appropriated such sums as are necessary to carry out sections 539m to 539m-12 of this title, including such sums as are necessary for the Forest Service to carry out responsibilities of the Forest Service in accordance with section 539m-11(c) of this title.

(Pub. L. 108-7, div. F, title IV, §414, Feb. 20, 2003, 117 Stat. 294.)

<sup>1</sup> So in original. Probably should be “28”.