

110TH CONGRESS
1ST SESSION

H. R. 2963

To transfer certain land in Riverside County, California, and San Diego County, California, from the Bureau of Land Management to the United States to be held in trust for the Pechanga Band of Luiseno Mission Indians, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 10, 2007

Mr. ISSA introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To transfer certain land in Riverside County, California, and San Diego County, California, from the Bureau of Land Management to the United States to be held in trust for the Pechanga Band of Luiseno Mission Indians, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Pechanga Band of
5 Luiseno Mission Indians Land Transfer Act of 2007”.

1 **SEC. 2. TRANSFER OF LAND IN TRUST FOR PECHANGA**
2 **BAND OF LUISENO MISSION INDIANS.**

3 (a) TRANSFER AND ADMINISTRATION.—

4 (1) TRANSFER.—Effective on the date of the
5 enactment of this Act and subject to valid existing
6 rights, all right, title, and interest of the United
7 States in and to the Federal lands described in sub-
8 section (b) (including all improvements thereon, ap-
9 purtenances thereto, and rights to all minerals
10 thereon or therein, including oil and gas, water, and
11 related resources) shall be held by the United States
12 in trust for the Pechanga Band of Luiseno Mission
13 Indians, a federally recognized Indian tribe. Such
14 transfer shall not include the 12.82 acres of lands
15 more or less, including the facilities, improvements,
16 and appurtenances associated with the existing 230
17 kV transmission line in San Diego County and its
18 300 foot corridor, more particularly described as a
19 portion of sec. 6, T. 9 S., R. 2 W., San Bernardino
20 Base and Meridian, which shall be sold by the Bu-
21 reau of Land Management for fair market value to
22 San Diego Gas & Electric Company not later than
23 30 days after the completion of the cadastral survey
24 described in subsection (c) and the appraisal de-
25 scribed in subsection (d).

1 (2) ADMINISTRATION.—The land transferred
2 under paragraph (1) shall be part of the Pechanga
3 Indian Reservation and administered in accordance
4 with—

5 (A) the laws and regulations generally ap-
6 plicable to property held in trust by the United
7 States for an Indian tribe; and

8 (B) a memorandum of understanding en-
9 tered into between the Pechanga Band of
10 Luiseno Mission Indians and the United States
11 Fish and Wildlife Service.

12 (b) DESCRIPTION OF LAND.—The lands referred to
13 in subsection (a) consist of approximately 1,178 acres in
14 Riverside County, California, and San Diego County, Cali-
15 fornia, as referenced on the map titled, “H.R. 28, the
16 Pechanga Land Transfer Act” and dated January 12,
17 2007, which, before the transfer under such subsection,
18 were administered by the Bureau of Land Management
19 and are more particularly described as follows:

20 (1) Sections 24, 29, 31, and 32 of township 8
21 south, range 2 west, San Bernardino base and me-
22 ridian.

23 (2) Section 6 of township 9 south, range 2
24 west, lots 2, 3, 5 and 6, San Bernardino Base and
25 Meridian.

1 (3) Mineral Survey 3540, section 22 of town-
2 ship 5 south, range 4 west, San Bernardino base
3 and meridian.

4 (c) SURVEY.—Not later than 180 days after the date
5 of the enactment of this Act, the Office of Cadastral Sur-
6 vey of the Bureau of Land Management shall complete
7 a survey of the lands transferred and to be sold under
8 subsection (a) for the purpose of establishing the bound-
9 aries of the lands.

10 (d) CONVEYANCE OF UTILITY CORRIDOR.—

11 (1) IN GENERAL.—The Secretary shall convey
12 to the San Diego Gas & Electric Company all right,
13 title, and interest of the United States in and to the
14 utility corridor upon—

15 (A) the completion of the survey required
16 under subsection (c);

17 (B) the receipt by the Secretary of all
18 rents and other fees that may be due to the
19 United States for use of the utility corridor, if
20 any; and

21 (C) the receipt of payment by United
22 States from the San Diego Gas & Electric Com-
23 pany of consideration in an amount equal to the
24 fair market value of the utility corridor, as de-

1 terminated by an appraisal conducted under para-
2 graph (2).

3 (2) APPRAISAL.—

4 (A) IN GENERAL.—Not later than 90 days
5 after the date on which the survey of the utility
6 corridor is completed under subsection (c), the
7 Secretary shall complete an appraisal of the
8 utility corridor.

9 (B) APPLICABLE LAW.—The appraisal
10 under subparagraph (A) shall be conducted in
11 accordance with—

12 (i) the Uniform Appraisal Standards
13 for Federal Land Acquisitions; and

14 (ii) the Uniform Standards of Profes-
15 sional Appraisal Practice.

16 (3) COSTS.—The San Diego Gas & Electric
17 Company shall pay the costs of carrying out the con-
18 veyance of the utility corridor under paragraph (1),
19 including any associated survey and appraisal costs.

20 (4) DISPOSITION OF PROCEEDS.—The Sec-
21 retary shall deposit any amounts received under
22 paragraph (1)(C) of this section in the Federal Land
23 Disposal Account established under section 206(a)
24 of the Federal Land Transaction Facilitation Act
25 (43 U.S.C. 2305(a)).

1 (e) MAP ON FILE.—The map referred to in sub-
2 section (b) shall be on file in the appropriate offices of
3 the Bureau of Land Management.

4 (f) LEGAL DESCRIPTIONS.—

5 (1) PUBLICATION.—On approval of the survey
6 completed under subsection (c) by the duly elected
7 tribal council of the Pechanga Band of Luiseno Mis-
8 sion Indians, the Secretary of the Interior shall pub-
9 lish in the Federal Register—

10 (A) a legal description of the boundary
11 lines; and

12 (B) legal description of the lands trans-
13 ferred under subsection (a).

14 (2) EFFECT.—Beginning on the date on which
15 the legal descriptions are published under paragraph
16 (1), such legal descriptions shall be the official legal
17 descriptions of the boundary lines and the lands
18 transferred under subsection (a).

19 (g) RULES OF CONSTRUCTION.—Nothing in this Act
20 shall—

21 (1) enlarge, impair, or otherwise affect any
22 right or claim of the Pechanga Band of Luiseno
23 Mission Indians to any land or interest in land that
24 is in existence before the date of the enactment of
25 this Act;

1 (2) affect any water right of the Pechanga
2 Band of Luiseno Mission Indians in existence before
3 the date of the enactment of this Act; or

4 (3) terminate any right-of-way or right-of-use
5 issued, granted, or permitted before the date of en-
6 actment of this Act.

7 (h) RESTRICTED USE OF TRANSFERRED LANDS.—

8 (1) IN GENERAL.—The lands transferred under
9 subsection (a) may be used only for the protection,
10 preservation, and maintenance of the archaeological,
11 cultural, and wildlife resources thereon.

12 (2) NO ROADS.—There shall be no roads other
13 than for maintenance purposes constructed on the
14 lands transferred under subsection (a).

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