

# Union Calendar No. 429

108<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 2941

[Report No. 108-701]

To correct the south boundary of the Colorado River Indian Reservation in Arizona, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2003

Mr. GRIJALVA (for himself, Mr. FLAKE, Mr. RENZI, Mr. HAYWORTH, and Mr. PASTOR) introduced the following bill; which was referred to the Committee on Resources

SEPTEMBER 28, 2004

Additional sponsors: Mr. KOLBE, Mr. BACA, and Mrs. NAPOLITANO

SEPTEMBER 28, 2004

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on July 25, 2003]

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## A BILL

To correct the south boundary of the Colorado River Indian Reservation in Arizona, 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,*

1 **SECTION 1. SHORT TITLE, FINDINGS, PURPOSES.**

2 (a) *SHORT TITLE.*—*This Act may be cited as the “Colo-*  
3 *orado River Indian Reservation Boundary Correction Act”.*

4 (b) *FINDINGS.*—*Congress finds the following:*

5 (1) *The Act of March 3, 1865, created the Colo-*  
6 *orado River Indian Reservation (hereinafter “Reserva-*  
7 *tion”) along the Colorado River in Arizona and Cali-*  
8 *fornia for the “Indians of said river and its tribu-*  
9 *taries”.*

10 (2) *In 1873 and 1874, President Grant issued*  
11 *Executive Orders to expand the Reservation south-*  
12 *ward and to secure its southern boundary at a clearly*  
13 *recognizable geographic location in order to forestall*  
14 *non-Indian encroachment and conflicts with the Indi-*  
15 *ans of the Reservation.*

16 (3) *In 1875, Mr. Chandler Robbins surveyed the*  
17 *Reservation (hereinafter “the Robbins Survey”) and*  
18 *delineated its new southern boundary, which included*  
19 *approximately 16,000 additional acres (hereinafter*  
20 *“the La Paz lands”), as part of the Reservation.*

21 (4) *On May 15, 1876, President Grant issued an*  
22 *Executive Order that established the Reservation’s*  
23 *boundaries as those delineated by the Robbins Survey.*

24 (5) *In 1907, as a result of increasingly frequent*  
25 *trespasses by miners and cattle and at the request of*  
26 *the Bureau of Indian Affairs, the General Land Office*

1       of the United States provided for a resurvey of the  
2       southern and southeastern areas of the Reservation.

3               (6) In 1914, the General Land Office accepted  
4       and approved a resurvey of the Reservation conducted  
5       by Mr. Guy Harrington in 1912 (hereinafter the  
6       “Harrington Resurvey”) which confirmed the bound-  
7       aries that were delineated by the Robbins Survey and  
8       established by Executive Order in 1876.

9               (7) On November 19, 1915, the Secretary of the  
10       Interior reversed the decision of the General Land Of-  
11       fice to accept the Harrington Resurvey, and upon his  
12       recommendation on November 22, 1915, President  
13       Wilson issued Executive Order No. 2273 “. . . to cor-  
14       rect the error in location said southern boundary line  
15       . . .”—and thus effectively excluded the La Paz from  
16       the Reservation.

17               (8) Historical evidence compiled by the Depart-  
18       ment of the Interior supports the conclusion that the  
19       reason given by the Secretary in recommending that  
20       the President issue the 1915 Executive Order—“to  
21       correct an error in locating the southern boundary”—  
22       was itself in error and that the La Paz lands should  
23       not have been excluded from the Reservation.

24               (9) The La Paz lands continue to hold cultural  
25       and historical significance, as well as economic devel-

1        *opment potential, for the Colorado River Indian*  
2        *tribes, who have consistently sought to have such*  
3        *lands restored to their Reservation.*

4        *(c) PURPOSES.—The purposes of this Act are:*

5                *(1) To correct the south boundary of the Reserva-*  
6        *tion by reestablishing such boundary as it was delin-*  
7        *eated by the Robbins Survey and affirmed by the*  
8        *Harrington Resurvey.*

9                *(2) To restore the La Paz lands to the Reserva-*  
10        *tion, subject to valid existing rights under Federal*  
11        *law and to provide for continued reasonable public*  
12        *access for recreational purposes.*

13                *(3) To provide for the Secretary of the Interior*  
14        *to review and ensure that the corrected Reservation*  
15        *boundary is resurveyed and marked in conformance*  
16        *with the public system of surveys extended over such*  
17        *lands.*

18        **SEC. 2. BOUNDARY CORRECTION, RESTORATION, DESCRIP-**  
19                **TION.**

20                *(a) BOUNDARY.—The boundaries of the Colorado River*  
21        *Indian Reservation are hereby declared to include those*  
22        *boundaries as were delineated by the Robbins Survey, af-*  
23        *firmed by the Harrington Survey, and described as follows:*  
24        *The approximately 15,375 acres of Federal land described*  
25        *as “Lands Identified for Transfer to Colorado River Indian*

1 Tribes” on the map prepared by the Bureau of Land Man-  
2 agement entitled “H.R. 2981, Colorado River Indian Res-  
3 ervation Boundary Correction Act, and dated May 14,  
4 2004”, (hereinafter referred to as the “Map”).

5 (b) MAP.—The Map shall be available for review at  
6 the Bureau of Land Management.

7 (c) RESTORATION.—Subject to valid existing rights  
8 under Federal law, all right, title, and interest of the United  
9 States to those lands within the boundaries declared in sub-  
10 section (a) that were excluded from the Colorado River In-  
11 dian Reservation pursuant to Executive Order No. 2273  
12 (November 22, 1915) are hereby restored to the Reservation  
13 and shall be held in trust by the United States on behalf  
14 of the Colorado River Indian Tribes.

15 (d) EXCLUSION.—Excluded from the lands restored to  
16 trust status on behalf of the Colorado River Indian Tribes  
17 that are described in subsection (a) are 2 parcels of Arizona  
18 State Lands identified on the Map as “State Lands” and  
19 totaling 320 acres and 520 acres.

20 **SEC. 3. RESURVEY AND MARKING.**

21 The Secretary of the Interior shall ensure that the  
22 boundary for the restored lands described in section 2(a)  
23 is surveyed and clearly marked in conformance with the  
24 public system of surveys extended over such lands.

1 **SEC. 4. WATER RIGHTS.**

2 *The restored lands described in section 2(a) and shown*  
3 *on the Map shall have no Federal reserve water rights to*  
4 *surface water or ground water from any source.*

5 **SEC. 5. PUBLIC ACCESS.**

6 *Continued access to the restored lands described in sec-*  
7 *tion (2)(a) for hunting and other existing recreational pur-*  
8 *poses shall remain available to the public under reasonable*  
9 *rules and regulations promulgated by the Colorado River*  
10 *Indian Tribes.*

11 **SEC. 6. ECONOMIC ACTIVITY.**

12 *(a) IN GENERAL.—The restored lands described in sec-*  
13 *tion (2)(a) shall be subject to all rights-of-way, easements,*  
14 *leases, and mining claims existing on the date of the enact-*  
15 *ment of this Act. The United States reserves the right to*  
16 *continue all Reclamation projects, including the right to ac-*  
17 *cess and remove mineral materials for Colorado River*  
18 *maintenance on the restored lands described in section*  
19 *(2)(a).*

20 *(b) ADDITIONAL RIGHTS-OF-WAY.—Notwithstanding*  
21 *any other provision of law, the Secretary, in consultation*  
22 *with the Tribe, shall grant additional rights-of-way, expan-*  
23 *sions, or renewals of existing rights-of-way for roads, utili-*  
24 *ties, and other accommodations to adjoining landowners or*  
25 *existing right-of-way holders, or their successors and as-*  
26 *signs, if—*

1           (1) *the proposed right-of-way is necessary to the*  
2           *needs of the applicant;*

3           (2) *the proposed right-of-way acquisition will*  
4           *not cause significant and substantial harm to the Col-*  
5           *orado River Indian Tribes; and*

6           (3) *the proposed right-of-way complies with the*  
7           *procedures in part 169 of title 25, Code of Federal*  
8           *Regulations consistent with this subsection and other*  
9           *generally applicable Federal laws unrelated to the ac-*  
10          *quisition of interests on trust lands, except that sec-*  
11          *tion 169.3 of those regulations shall not be applicable*  
12          *to expansions or renewals of existing rights-of-way for*  
13          *roads and utilities.*

14          (c) *FEES.—The fees charged for the renewal of any*  
15          *valid lease, easement, or right-of-way subject to this section*  
16          *shall not be greater than the current Federal rate for such*  
17          *a lease, easement, or right-of-way at the time of renewal*  
18          *if the holder has been in substantial compliance with all*  
19          *terms of the lease, easement, or right-of-way.*

20          **SEC. 7. GAMING.**

21           *The Indian Gaming Regulatory Act (25 U.S.C. 2701*  
22          *et seq.) shall not apply to the restored lands described in*  
23          *section (2)(a).*

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