

Union Calendar No. 380

110TH CONGRESS
2^D SESSION

H. R. 3522

[Report No. 110-610]

To ratify a conveyance of a portion of the Jicarilla Apache Reservation to Rio Arriba County, State of New Mexico, pursuant to the settlement of litigation between the Jicarilla Apache Nation and Rio Arriba County, State of New Mexico, to authorize issuance of a patent for said lands, and to change the exterior boundary of the Jicarilla Apache Reservation accordingly, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 10, 2007

Mr. UDALL of New Mexico introduced the following bill; which was referred to the Committee on Natural Resources

APRIL 29, 2008

Additional sponsor: Mr. PEARCE

APRIL 29, 2008

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To ratify a conveyance of a portion of the Jicarilla Apache Reservation to Rio Arriba County, State of New Mexico, pursuant to the settlement of litigation between the Jicarilla Apache Nation and Rio Arriba County, State of New Mexico, to authorize issuance of a patent for said lands, and to change the exterior boundary of the

Jicarilla Apache Reservation accordingly, 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. DEFINITIONS.**

4 For the purposes of this act, the following definitions
5 apply:

6 (1) JICARILLA APACHE NATION.—The term
7 “Jicarilla Apache Nation” means the Jicarilla
8 Apache Nation, a tribe of American Indians recog-
9 nized by the United States and organized under sec-
10 tion 16 of the Act of June 18, 1934 (25 U.S.C. 476;
11 popularly known as the Indian Reorganization Act).

12 (2) 1988 RESERVATION ADDITION.—The term
13 “1988 Reservation Addition” means those lands,
14 known locally as the Theis Ranch, that are described
15 in the Federal Register published on September 26,
16 1988 at 53 F.R. 37355–56 and were added to the
17 Jicarilla Apache Reservation in New Mexico in
18 1988.

19 (3) SETTLEMENT AGREEMENT.—The term
20 “Settlement Agreement” means the agreement exe-
21 cuted by the President of the Jicarilla Apache Na-
22 tion on May 6, 2003 and executed by the Chairman
23 of the Rio Arriba Board of County Commissioners
24 on May 15, 2003 and approved by the Department

1 of the Interior on June 18, 2003 to settle the Law-
2 suit.

3 (4) LAWSUIT.—The term “Lawsuit” means the
4 case identified as Jicarilla Apache Tribe v. Board of
5 County Commissioners, County of Rio Arriba, No.
6 RA 87–2225(C), State of New Mexico District
7 Court, First Judicial District, filed in October 1987.

8 (5) RIO ARRIBA COUNTY.—The term “Rio
9 Arriba County” means the political subdivision of
10 the state of New Mexico described in Section 4–21–
11 1 and Section 4–21–2, New Mexico Statutes Anno-
12 tated 1978 (Original Pamphlet).

13 (6) SETTLEMENT LANDS.—The term “Settle-
14 ment Lands” means Tract A and Tract B as de-
15 scribed in the plat of the “Dependent Resurvey and
16 Survey of Tract within Theis Ranch” within the
17 Tierra Amarilla Grant, New Mexico prepared by Leo
18 P. Kelley, Cadastral Surveyor, United States De-
19 partment of the Interior, Bureau of Land Manage-
20 ment, dated January 7, 2004, and recorded in the
21 office of the Rio Arriba County Clerk on March 8,
22 2004, in Cabinet C–1, Page 199, Document No.
23 242411, consisting of 70.75 acres more or less. Title
24 to the Settlement Lands is held by the United States
25 in trust for the Jicarilla Apache Nation.

1 (7) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 (8) DISPUTED COUNTY ROAD.—The term “Dis-
4 puted County Road” means the county road passing
5 through the 1988 Reservation Addition along the
6 course identified in the judgment entered by the
7 New Mexico District Court in the Lawsuit on De-
8 cember 10, 2001 and the decision entered on De-
9 cember 11, 2001, which judgment and decision have
10 been appealed to the New Mexico Court of Appeals.

11 **SEC. 2. CONGRESSIONAL FINDINGS.**

12 Congress finds the following:

13 (1) The Lawsuit is now pending before the
14 Court of Appeals of the State of New Mexico and in-
15 volves a claim that a county road passing through
16 the 1988 Reservation Addition had been established
17 by prescription prior to acquisition of the land by
18 the Jicarilla Apache Nation in 1985.

19 (2) The parties to that lawsuit, the Jicarilla
20 Apache Nation and the County of Rio Arriba, have
21 executed a Settlement Agreement, approved by the
22 Secretary of the Interior, to resolve all claims relat-
23 ing to the disputed county road, which agreement
24 requires ratifying legislation by the Congress of the
25 United States.

1 (3) The parties to the Settlement Agreement
2 desire to settle the claims relating to the disputed
3 county road on the terms agreed to by the parties,
4 and it is in the best interests of the parties to re-
5 solve the claims through the Settlement Agreement
6 and this implementing legislation.

7 **SEC. 3. CONDITION ON EFFECT OF SECTION.**

8 (a) IN GENERAL.—Section 4 of this Act shall not
9 take effect until the Secretary finds the following events
10 have occurred:

11 (1) The Board of Commissioners of Rio Arriba
12 County has enacted a resolution permanently aban-
13 doning the disputed county road and has submitted
14 a copy of that resolution to the Secretary.

15 (2) The Jicarilla Apache Nation has executed a
16 quitclaim deed to Rio Arriba County for the Settle-
17 ment Lands subject to the exceptions identified in
18 the Settlement Agreement and has submitted a copy
19 of the quitclaim deed to the Secretary.

20 (b) PUBLICATION OF FINDINGS.—If the Secretary
21 finds that the conditions set forth in subsection (a) have
22 occurred, the Secretary shall publish such findings in the
23 Federal Register.

1 **SEC. 4. RATIFICATION OF CONVEYANCE; ISSUANCE OF PAT-**
2 **ENT.**

3 (a) **CONDITIONAL RATIFICATION AND APPROVAL.—**

4 This Act ratifies and approves the Jicarilla Apache Na-
5 tion’s quitclaim deed for the Settlement Lands to Rio
6 Arriba County, but such ratification and approval shall be
7 effective only upon satisfaction of all conditions in section
8 3, and only as of the date that the Secretary’s findings
9 are published in the Federal Register pursuant to section
10 3.

11 (b) **PATENT.—**Following publication of the notice de-
12 scribed in section 3, the Secretary shall issue to Rio Arriba
13 County a patent for the Settlement Lands, subject to the
14 exceptions and restrictive covenants described subsection
15 (c).

16 (c) **CONDITIONS OF PATENT.—**The patent to be
17 issued by the Secretary under subsection (b) shall be sub-
18 ject to all valid existing rights of third parties, including
19 but not limited to easements of record, and shall include
20 the following perpetual restrictive covenant running with
21 the Settlement Lands for the benefit of the lands com-
22 prising the Jicarilla Apache Reservation adjacent to the
23 Settlement Lands: “Tract A shall be used only for govern-
24 mental purposes and shall not be used for a prison, jail
25 or other facility for incarcerating persons accused or con-
26 victed of a crime. For purposes of this restrictive cov-

1 enant,” governmental purposes “shall include the provi-
2 sion of governmental services to the public by Rio Arriba
3 County and the development and operation of private busi-
4 nesses to the extent permitted by applicable State law.”.

5 **SEC. 5. BOUNDARY CHANGE.**

6 Upon issuance of the patent authorized by section 4,
7 the lands conveyed to Rio Arriba County in the patent
8 shall cease to be a part of the Jicarilla Apache Reservation
9 and the exterior boundary of the Jicarilla Apache Reserva-
10 tion shall be deemed relocated accordingly.

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