

108TH CONGRESS  
2D SESSION

# H. R. 4490

To provide for acquisition of subsurface mineral rights to land owned by the Pascua Yaqui Tribe and land held in trust for the Tribe, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 2, 2004

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

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## A BILL

To provide for acquisition of subsurface mineral rights to land owned by the Pascua Yaqui Tribe and land held in trust for the Tribe, 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) SECRETARY.—The term “Secretary” means  
7       the Secretary of the Interior.

8               (2) STATE.—The term “State” means the State  
9       of Arizona.

1           (3) **TRIBE.**—The term “Tribe” means the  
2       Pascua Yaqui Tribe.

3 **SEC. 2. ACQUISITION OF SUBSURFACE MINERAL INTER-**  
4 **ESTS FROM THE STATE FOR THE TRIBE.**

5       (a) **ACQUISITION AUTHORIZED.**—The Secretary shall  
6 acquire, by use of the powers of eminent domain, and the  
7 Department of Justice is authorized to act on behalf of  
8 the Secretary to do so, pursuant to the laws and regula-  
9 tions of the United States governing use of the power of  
10 eminent domain, but only with the consent of the State,  
11 the following:

12           (1) Any trust mineral estate of the State lo-  
13 cated beneath the surface estates of the Tribe in  
14 land consisting of approximately 436.18 acres in  
15 Pima County, Arizona.

16           (2) Any trust mineral estate of the State lo-  
17 cated beneath the surface estates held in trust for  
18 the Tribe in land consisting of approximately 140.18  
19 acres in Pima County, Arizona.

20       (b) **CONSIDERATION.**—Subject to subsection (c), as  
21 consideration for the acquisition of subsurface mineral in-  
22 terests by the United States pursuant to subsection (a),  
23 the Tribe shall pay to the State an amount equal to the  
24 market value of those subsurface mineral interests as de-  
25 termined by—

1 (1) a mineral assessment completed—

2 (A) by a team of mineral specialists agreed  
3 upon by the State and the Tribe; and

4 (B) reviewed, and accepted as complete  
5 and accurate by a certified review mineral ex-  
6 aminer of the Bureau of Land Management;

7 (2) negotiation between the Tribe and the State  
8 in order to arrive at a mutually agreed price; or

9 (3) in the event the Tribe and the State cannot  
10 arrive at a mutually agreed price, an appraisal re-  
11 port completed in accordance with subsection (d)—

12 (A) by the State and reviewed by the  
13 Tribe; and

14 (B) if requested by the Tribe through the  
15 Bureau of Indian Affairs, reviewed and accept-  
16 ed as complete and accurate by the Office of  
17 the Special Trustee for American Indians in the  
18 Department of the Interior.

19 (c) CONDITIONS OF ACQUISITION.—The Secretary  
20 may make the acquisition under subsection (a) only if—

21 (1) the payment to the State required under  
22 subsection (b) is accepted by the State as full con-  
23 sideration for the subsurface mineral interests ac-  
24 quired by the United States under subsection (a);  
25 and

1           (2) the acquisition terminates all right, title,  
2           and interest of all parties other than the United  
3           States in and to the acquired subsurface mineral in-  
4           terests.

5           (d) DETERMINATION OF MARKET VALUE.—Notwith-  
6           standing any other provision of law, unless State and  
7           Tribe shall otherwise agree to a stipulated market value,  
8           the value of the subsurface mineral interests acquired by  
9           the United States under this section shall be determined  
10          in accordance with the Uniform Appraisal Standards for  
11          Federal Land Acquisition, as published by the Appraisal  
12          Institute in 2000 in cooperation with the Department of  
13          Justice. Any appraisal shall be subject to the review and  
14          acceptance by the Land Department of the State and the  
15          Office of Special Trustee for American Indians in the De-  
16          partment of the Interior.

17          (e) DESCRIPTION OF LAND.—The exact acreage and  
18          legal descriptions of the land and interests in land ac-  
19          quired by the United States under this section shall be  
20          determined by surveys that are satisfactory to the Sec-  
21          retary and the State.

22          (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-  
23          retary may require such additional terms and conditions  
24          in connection with the acquisition of subsurface interests  
25          in land under this section as the Secretary considers ap-

1 appropriate to protect the interests of the United States and  
2 any valid existing rights.

3 **SEC. 3. INTERESTS IN LAND TAKEN INTO TRUST FOR THE**  
4 **TRIBE.**

5 (a) LAND TRANSFERRED.—Notwithstanding any  
6 other provision of law, after the Tribe makes the payment  
7 described in subsection (b), the Secretary shall take into  
8 trust for the benefit of the Tribe the subsurface rights,  
9 formerly reserved to the United States, to the approxi-  
10 mately 360.23 acres of land located in Pima County, Ari-  
11 zona, the surface rights to which are held in trust for the  
12 benefit of the Tribe.

13 (b) CONSIDERATION AND COSTS.—The Tribe shall  
14 pay to the Secretary all transaction costs associated with  
15 assessment, review, and transfer of the interest in the es-  
16 tate authorized to be taken into trust pursuant to sub-  
17 section (a).

18 (c) DETERMINATION OF FAIR MARKET VALUE.—  
19 Notwithstanding any other provision of law, unless the  
20 Secretary and the Tribe agree to a stipulated fair market  
21 value, the value of the subsurface mineral interests taken  
22 into trust under this section shall be determined in accord-  
23 ance with the Uniform Appraisal Standards for Federal  
24 Land Acquisition, as published by the Appraisal Institute  
25 in 2000 in cooperation with the Department of Justice.

1           (d) DESCRIPTION OF LAND.—The exact acreage and  
2 legal description of the land described in subsection (a)  
3 shall be determined by the Secretary.

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