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T'uf Shur Bien Preservation Trust Area Act

Congress: 107 (2001–2003, Ended)

Chamber: Senate

Policy Area: Public Lands and Natural Resources

Introduced: Mar 14, 2002

Current Status: Placed on Senate Legislative Calendar under General Orders. Calendar No. 738.

Latest Action: Placed on Senate Legislative Calendar under General Orders. Calendar No. 738. (Oct 17, 2002)

Official Text: <https://www.congress.gov/bill/107th-congress/senate-bill/2018>

Sponsor

Name: Sen. Bingaman, Jeff [D-NM]

Party: Democratic • **State:** NM • **Chamber:** Senate

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Energy and Natural Resources Committee	Senate	Reported By	Sep 17, 2002
Indian Affairs Committee	Senate	Reported By	Oct 17, 2002

Subjects & Policy Tags

Policy Area:

Public Lands and Natural Resources

Related Bills

No related bills are listed.

T'uf Shur Bien Preservation Trust Area Act - (Sec. 4) Establishes the T'uf Shur Bien Preservation Trust Area within the Cibola National Forest and the Sandia Mountain Wilderness in New Mexico. Recognizes and protects in perpetuity: (1) the Pueblo of Sandia's rights and interests in such Area; (2) the wilderness and National Forest character of the Area; and (3) the public's longstanding use and enjoyment of the Area.

Directs the Secretary of Agriculture (Secretary), acting through the Forest Service, to continue to administer the Area as National Forest System lands.

Prohibits in the wilderness portion of the Area the use of gaming or gambling, mineral production, timber production and new uses or activities to which the Pueblo objects within its rights.

(Sec. 5) Sets forth the rights and interests of the Pueblo in such Area, including: (1) free and unrestricted access for traditional and cultural uses (except as they conflict with the Wilderness Act and Federal wildlife protection laws); (2) perpetual preservation of the Wilderness and National Forest character of the Area; (3) rights in management (such as right to consent or withhold consent to new uses, consultation regarding modified uses, management and preservation of the Area, and dispute resolution procedures); and (4) exclusive authority to administer access to the Area for traditional and cultural uses by members of the Pueblo and other Indian tribes.

Requires the United States to compensate the Pueblo as if it held fee title interest in the affected portion if Congress: (1) diminishes the Wilderness and National Forest designation of the Area by authorizing a prohibited use in all or any portion of it; or (2) permanently denies the Pueblo access for any traditional and cultural uses in all or any portion of the Area.

(Sec. 6) Limits the Pueblo's rights and interest in the Area to exclude: (1) any right to sell, grant, lease, convey, encumber or exchange lands in the Area; (2) exemption from applicable Federal wildlife protection laws; (3) the right to conveyance or exchange of land interests; and (4) the right to exclude persons or governmental entities.

Excludes from prosecution for Federal wildlife offenses any members of the Pueblo and other federally recognized Indian tribes who exercise traditional and cultural use rights.

(Sec. 7) Requires the Forest Service to consult with the Pueblo not less than twice a year for approval of activities concerning protection, preservation, and management of the Area. Requires notice to the public of proposed new and modified uses and activities.

Defines dispute resolution procedures involving Forest Service management and Pueblo traditional and cultural uses.

(Sec. 8) Specifies allocation of criminal and civil jurisdiction over such Area among the Pueblo, New Mexico, and the United States.

(Sec. 9) Excludes from the Area all subdivisions, the Piedra Lisa tract, the lands on which the Crest facilities are located, and lands described in the special use permit.

Requires the Pueblo to transfer the La Luz tract and the Piedra Lisa tract (if later acquired) to the United States to be held in trust.

Requires the transfer of certain lands within the Evergreen Hills subdivision to the Pueblo.

Requires the Secretary of the Interior to grant specified rights-of-way in perpetuity to the County of Bernalillo, New Mexico, utility and other service providers, and the Forest Service.

(Sec. 10) Extinguishes all Pueblo claims not specifically recognized within this Act.

(Sec. 11) Disallows the modification of existing private property rights associated with the Piedra Lisa tract or other private lands that are not otherwise addressed in this Act.

(Sec. 12) Limits any suit to enforce this Act brought against the Pueblo to declaratory judgement or injunctive relief, and limits venue to the United States District Court for the District of New Mexico.

(Sec. 14) Authorizes appropriations.

Authorizes the Forest Service to transfer ownership of the Piedra Lisa tract (if the United States acquires it) to the Pueblo in exchange for lands of equal value owned by the Pueblo.

Authorizes the Secretary to acquire lands owned by the Pueblo within the Evergreen Hills Subdivision in Sandoval County or any other privately held lands inside of the exterior boundaries of the Area.

Declares that the Pueblo, the County of Bernalillo, New Mexico, and any person who owns or has owned property inside the exterior boundaries of the Area, and incurred cost as a result of participating in the case of Pueblo of Sandia v. Babbitt, may apply for reimbursement. Prescribes participation requirements and limitations for such reimbursement. Directs the Secretary of the Treasury to make reimbursement payments of up to \$750,000 per party, but no more than \$3 million altogether.

Actions Timeline

- **Oct 17, 2002:** Committee on Indian Affairs. Reported by Senator Inouye with an amendment in the nature of a substitute. With written report No. 107-321.
- **Oct 17, 2002:** Committee on Indian Affairs. Reported by Senator Inouye with an amendment in the nature of a substitute. With written report No. 107-321.
- **Oct 17, 2002:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 738.
- **Oct 11, 2002:** Referred to the Committee on Indian Affairs.
- **Oct 7, 2002:** Senate Committee on Indian Affairs discharged. pursuant to the order of March 14, 2002.
- **Oct 7, 2002:** Senate Committee on Indian Affairs discharged. pursuant to the order of March 14, 2002.
- **Oct 7, 2002:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 637.
- **Sep 17, 2002:** Committee on Energy and Natural Resources. Reported by Senator Bingaman with an amendment in the nature of a substitute. With written report No. 107-285.
- **Sep 17, 2002:** Committee on Energy and Natural Resources. Reported by Senator Bingaman with an amendment in the nature of a substitute. With written report No. 107-285.
- **Sep 17, 2002:** Referred to the Committee on Indian Affairs pursuant to the order of March 14, 2002.
- **Jul 31, 2002:** Committee on Energy and Natural Resources. Ordered to be reported with an amendment favorably.
- **Apr 24, 2002:** Committees on Energy and Natural Resources; Indian Affairs. Joint hearings held. Hearings printed: S.Hrg. 107-548.
- **Mar 18, 2002:** Sponsor introductory remarks on measure. (CR S2008-2009)
- **Mar 14, 2002:** Introduced in Senate
- **Mar 14, 2002:** Sponsor introductory remarks on measure. (CR S1940)
- **Mar 14, 2002:** Read twice and referred jointly to the Committees on Energy and Natural Resources; Indian Affairs pursuant to the order of March 14, 2002, with instructions that if one Committee reports, the other Committee have twenty calendar days, excluding any period where the Senate is not in session for more than three days, to report or be discharged.