

S 1105

Aamodt Litigation Settlement Act

Congress: 111 (2009–2011, Ended)

Chamber: Senate

Policy Area: Native Americans

Introduced: May 20, 2009

Current Status: Placed on Senate Legislative Calendar under General Orders. Calendar No. 255.

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Sponsor

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

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

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Udall, Tom [D-NM]	D · NM		May 20, 2009

Committee Activity

Committee	Chamber	Activity	Date
Indian Affairs Committee	Senate	Reported By	Jan 20, 2010

Subjects & Policy Tags

Policy Area:

Native Americans

Related Bills

Bill	Relationship	Last Action
111 HR 4783	Related bill	Dec 8, 2010: Became Public Law No: 111-291.
111 HR 3342	Identical bill	Feb 1, 2010: Read twice. Placed on Senate Legislative Calendar under General Orders. Calendar No. 265.

Aamodt Litigation Settlement Act - **Title I: Pojoaque Basin Regional Water System** - (Sec. 101) Directs the Secretary of the Interior, acting through the Commissioner of Reclamation, to plan, design, and construct a regional water system, in accordance with the settlement agreement dated January 19, 2006, among New Mexico, the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque, the city of Santa Fe, and Santa Fe County: (1) to divert water to the Pueblos and to the County Water Utility, in accordance with the Pojoaque Regional Water System Engineering Report, dated September 2008; and (2) that consists of surface water diversion facilities at San Ildefonso Pueblo on the Rio Grande and any treatment, transmission, storage and distribution facilities and wellfields for the County Distribution System (the portion of the regional water system that serves water customers on non-Pueblo land in the Pojoaque Basin) and Pueblo Water Facilities that are necessary to supply 4,000 acre-feet of water within the Pojoaque Basin.

Authorizes New Mexico and Santa Fe County, in agreement with the Pueblos, the city of Santa Fe, and other signatories to the Cost-Sharing and System Integration Agreement (that describes the location, capacity, and management of the regional water system and allocates system costs), to modify the extent, size, and capacity of the County Distribution System.

(Sec. 102) Sets deadlines for: (1) the Pueblos and the County to submit to the Secretary an executed operating agreement for the regional water system; and (2) the Secretary to approve such agreement.

(Sec. 103) Directs the Secretary, for the purpose of providing a reliable supply of water from the system for the Pueblos in accordance with the settlement agreement, to: (1) acquire rights to specified Nambe reserved water and water acquired by the County; (2) make a specified amount of water available to the Pueblos in accordance with the San Juan-Chama Project Act; and (3) seek approval to divert such water for the system at points consistent with the agreement.

(Sec. 104) States that the regional water system shall have the capacity to divert from the Rio Grande a quantity of water sufficient to provide: (1) up to 4,000 acre-feet of consumptive use of water; and (2) the requisite peaking capacity described in the engineering report and the final project design.

(Sec. 105) Establishes in the Treasury the Aamodt Settlement Pueblos' Fund.

(Sec. 106) Directs the Secretary to comply with each federal law relating to environmental protection.

(Sec. 107) Authorizes appropriations for FY2010-FY2022 to: (1) the Secretary for the planning, design, and construction of the regional water system and the conduct of environmental compliance activities; and (2) the Fund.

Title II: Pojoaque Basin Indian Water Rights Settlement - (Sec. 201) Authorizes, ratifies, and confirms the settlement agreement and the Cost-Sharing and System Integration Agreement.

(Sec. 202) Declares that the settlement agreement shall not constitute a major federal action under the National Environmental Policy Act of 1969. Directs the Secretary to comply with each federal law relating to environmental protection.

(Sec. 203) Requires the Secretary to publish by September 15, 2017, a statement of finding that specified conditions have been fulfilled, including the following: (1) to the extent that the settlement agreement conflicts with this title, it has been revised to conform with this title; (2) the revised agreement has been executed by the appropriate parties and the Secretary; (3) Congress has fully appropriated, or the Secretary has provided from other authorized sources, all funds

authorized in title I, with an exception, by December 15, 2016; (4) the Secretary has acquired and entered into appropriate contracts for the water rights described in that title; (5) permits have been issued by the New Mexico State Engineer to the Regional Water Authority to change the points of diversion to the mainstem of the Rio Grande for the diversion and consumptive use of at least 2,381 acre-feet by the Pueblos as part of the water supply for the regional water system, subject to specified conditions; (6) the state of New Mexico has enacted any necessary legislation and provided any funding that may be required under the settlement agreement; (7) a partial final decree that sets forth the water rights and other rights to water to which the Pueblos are entitled under the agreement and this title and that substantially conforms to the agreement has been approved by the United States District Court for the District of New Mexico; and (8) a final decree that sets forth the water rights for all parties to the Aamodt Case and that substantially conforms to the agreement has been approved by that Court by June 15, 2017.

Sets forth criteria for substantial completion of the regional water system. Requires the Secretary, at the request of one or more of the Pueblos, on or after June 30, 2021, to: (1) consult with the Pueblos and confer with Santa Fe County and New Mexico on whether the criteria for substantial completion of the system will be met by June 30, 2024; and (2) determine whether the system has been substantially completed and submit a written notice of such determination to the Pueblos, the County, and the state. Provides that such determination shall be considered to be a final agency action subject to judicial review by the Decree Court.

Sets forth provisions regarding: (1) the failure to make a timely determination; (2) the right to void a final decree; and (3) the voiding of waivers.

(Sec. 204) Sets forth provisions regarding: (1) waivers and releases of claims by the Pueblos and the United States; and (2) tolling of claims between the date of enactment of this Act and June 30, 2021.

Actions Timeline

- **Jan 20, 2010:** Committee on Indian Affairs. Reported by Senator Dorgan with amendments. With written report No. 111-115. Additional views filed.
- **Jan 20, 2010:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 255.
- **Sep 10, 2009:** Committee on Indian Affairs. Ordered to be reported with an amendment favorably.
- **May 20, 2009:** Introduced in Senate
- **May 20, 2009:** Sponsor introductory remarks on measure. (CR S5717)
- **May 20, 2009:** Read twice and referred to the Committee on Indian Affairs. (text of measure as introduced: CR S5717-5723)