

Committee on Natural Resources

Rob Bishop, Chairman

Markup Memorandum

March 14, 2016

To: All Natural Resources Committee Members

From: Majority Committee Staff
Subcommittee on Indian, Insular, and Alaska Native Affairs (x6-9725)

Markup: H.R. 2009 (Rep. Raul Grijalva), To provide for the conveyance of certain land inholdings owned by the United States to the Tucson Unified School District and to the Pascua Yaqui Tribe of Arizona.
March 15-16, 2016 1324 Longworth HOB

H.R. 2009 (Rep. Raul Grijalva), "*Pascua Yaqui Tribe Land Conveyance Act of 2015*"

Summary of the Bill

H.R. 2009 was introduced by Rep. Raul Grijalva (D-AZ-3) on May 26, 2015. The bill would authorize a land exchange involving the Pascua Yaqui Tribe ("Tribe"), the Tucson Unified School District No. 1 ("District"), and the Department of the Interior. In the event the District relinquishes approximately 40 acres of land (parcel A); the Secretary is then directed to take that land into trust for the Pascua Tribe. Subject to the relinquishment of parcel A, the Secretary is then directed to convey approximately 13 acres of federal land (parcel B) to the District. Last, the U.S. would waive all reversionary interests in approximately 27 acres of District land (parcel C). Land currently held by the District was patented by the Recreation and Public Services Act ("RPPA") of 1926.¹ All transfers under the bill are subject to valid existing, rights and gaming pursuant to the Indian Gaming Regulatory Act² would be prohibited on lands taken into trust under the bill. A map of parcels A through C is attached to this memorandum.

Cosponsors

Rep. Trent Franks (AZ-8), Rep. Martha McSally (AZ-2), Rep. Matt Salmon (AZ-5), Rep. Ruben Gallego (AZ-7), Rep. Ann Kirkpatrick (AZ-1), Rep. David Schweikert (AZ-6), Rep. Kyrsten Sinema (AZ-9).

Background

The Pascua Yaqui Reservation is located in southern Arizona, 15 miles southwest of Tucson. In 1952, the original 40 acre Pascua Village was annexed by the City of Tucson. In 1964, Congressman Morris K. Udall introduced a bill to transfer 202 acres of desert land southwest of Tucson to the Yaquis. The bill was later signed into law and the deed to the land was transferred to the recently formed Pascua Yaqui Association, a nonprofit Arizona corporation.

¹ 43 U.S.C. 869 et seq.

² 25 U.S.C. 2701 et seq.

The reservation was formally established in 1978 as President Carter signed into law S.1633³, which set forth that the members of Pascua Yaqui Association were federally recognized as the Pascua Yaqui tribe. In 1982, the reservation added an additional 690 acres for improving the socio-economic environment of tribal members⁴ with the enactment of H.R. 4364.⁵ In the 113th Congress, H.R. 507 was enacted which placed two 10 acre parcels into trust for the tribe.⁶

The Tribe is interested in acquiring 40 acres of District land for flood control development. The bill is needed because lands patented to the District in 1981 pursuant the RPPA were only intended for a school site. A change in land use for RPPA patented land requires an Act of Congress.

Section-by-Section Analysis

Section 3. Lands to be Conveyed or Taken into Trust. Section 3 directs the Secretary to take into trust 40 acres of District land for the tribe. Once completed, the Secretary will transfer 13.24 acres of federal land to the District. Finally, the U.S. agrees to waive any revisionary interest retained by the RPPA to 27 acres currently managed by the District.

Section 4. Gaming Prohibition. Section 4 makes clear that the Tribe may not conduct gaming on the lands taken into trust under section 3.

Section 5. Water Rights. Section 5 states that any water rights that are appurtenant to land taken into trust under the bill for the Tribe may not be forfeited or abandoned.

Cost

Unknown at this time but the Committee anticipates that there should be no effect on the federal budget.

Administration's Position

On November 4, 2015, Deputy Director of the Bureau of Indian Affairs, Michael Smith testified before the Subcommittee on Indian, Insular and Alaska Native Affairs that Administration could support the bill with amendments.

Anticipated Amendment:

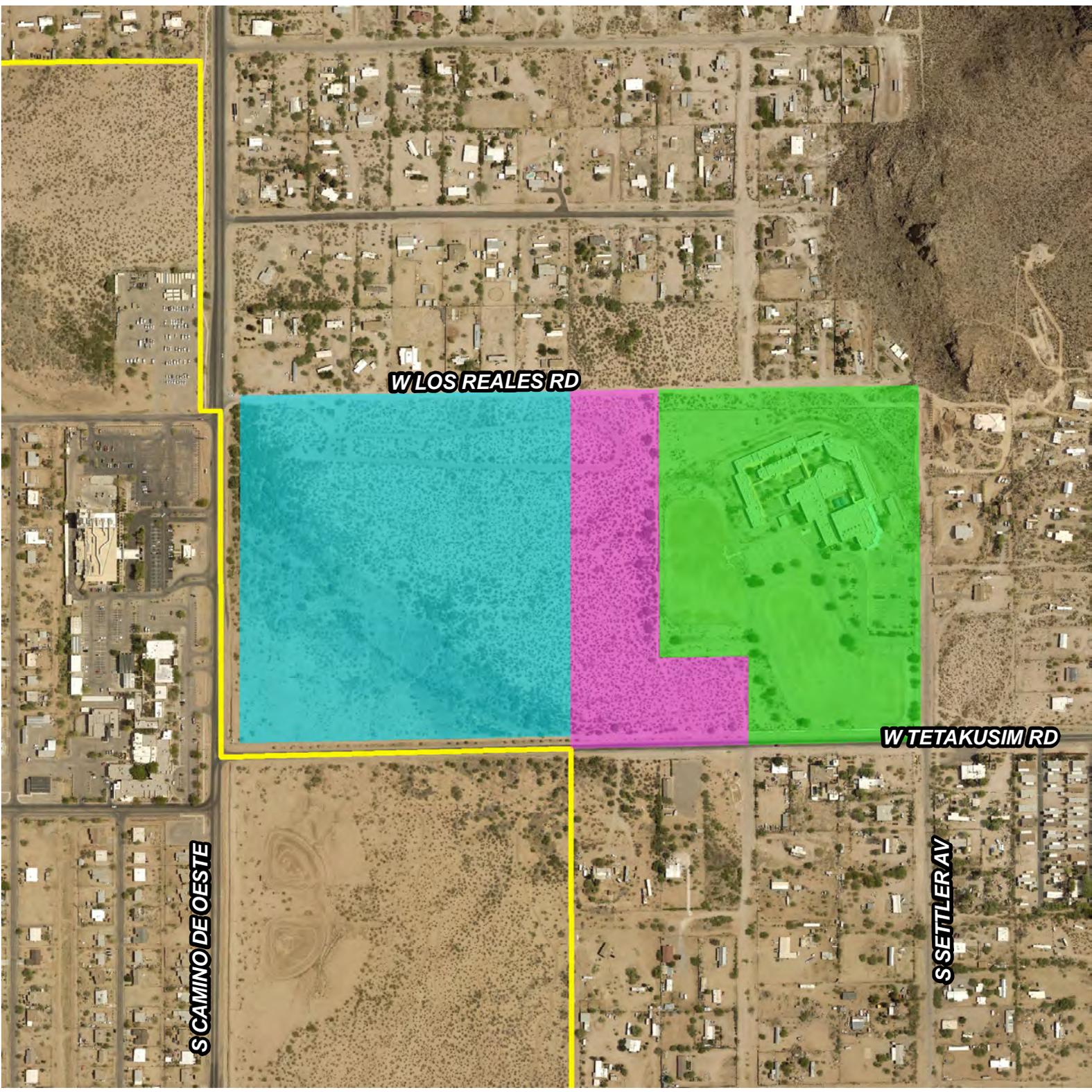
An amendment may be offered which would address concerns raised by the Administration regarding parcels B and C. The amendment would include language to allow the District to purchase parcel B at fair market value after an appraisal is completed. Additionally, the amendment would contain language which would allow the District the option to purchase the governments' revisionary interest in parcel C.

³ See P.L. 95-375.

⁴ See S. Rpt. 97-657.

⁵ See P.L. 97-386.

⁶ See P.L. 113-134, the Pascua Yaqui Tribe Trust Act.



- Parcel A - TUSD 36.65 ac. approx.
- Parcel B - US 13.24 ac. approx.
- Parcel C - TUSD 27.5 ac. approx.
- PYT Reservation

PARCEL A:
 LOT 1 EXC W 75' & EXC S50'
 SECTION 19-T15S-R13E
 G&SRBM, ARIZONA
 36.65 AC APPROX.

PARCEL B:
 W2NW4NE4NW4,
 W2SW4NE4NW4,
 SE4SW4NE4NW4
 SECTION 19-T15S-R13E
 G&SRBM, ARIZONA
 13.24 AC APPROX.

PARCEL C :
 E2NE4NW4,
 E2NW4NE4NW4,
 NE4SW4NE4NW4
 SECTION 19-T15S-R13E
 G&SRBM, ARIZONA
 27.50 AC APPROX.

