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United States Department of Agriculture

Before the United States Senate

Committee on Indian Affairs

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Concerning

S. 611, “Sandia Pueblo Settlement Technical Amendment Act”

Madame Chairwoman, Ranking Member Barrasso, and members of the Committee, thank you for inviting me here today to testify regarding S. 611, “Sandia Pueblo Settlement Technical Amendment Act”.

S. 611 would amend the T'uf Shur Bien Preservation Trust Area Act (Act) by adding paragraph (6) to section 413(b) requiring the Secretary of Agriculture, upon the receipt of certain consideration and at the request of the Sandia Pueblo of New Mexico and the Secretary of the Interior, to transfer certain National Forest System (NFS) land to the Secretary of the Interior to be held in trust for the Pueblo, if a land exchange with the Pueblo currently required by that Act is not completed within 90 days of enactment of the bill.

Last Congress the Committee amended the bill’s predecessor (S. 2024) to require the NFS land conveyed to the Pueblo under paragraph (6) be preserved “as open space, with the natural characteristics of the land to be preserved in perpetuity.” In exchange for the NFS land, the bill would require the Pueblo to transfer to the Secretary of Agriculture the La Luz tract and an amount equal to the difference between the value of: (1) the NFS land as open space; and (2) the sum of the fair market value of the La Luz tract and the compensation owed to the Pueblo by the Secretary of Agriculture for the right-of-way and conservation easement on its Piedra Lisa tract.

The La Luz tract would be valued comparatively higher, appraised according to its highest and best use, as opposed to the NFS land conveyed as open space.

In contrast to the NFS land conveyed to the Pueblo, the bill would not impose deed conditions on the La Luz tract when conveyed to NFS.

We appreciate the efforts of the Committee staff and members' personal staff in bringing these corrections to the revision to a hearing. This bill is important in that it will allow the provisions of the T'uf Shur Bien Preservation Trust Area Act to be completed. We do not oppose the amendment but would like to work with the committee on a few issues.

1. The complexity of the appraisal would require detailed and exacting instructions that could be completed within a year of enactment, but would require more time than the 90 days called for in the Bill.
2. The bill should make clear that the Pueblo is responsible for sealing the open mine adit on the La Luz Tract as part of the conveyance of this tract.
3. The appraisal and administrative processing costs would exceed \$200,000 and impact the currently planned program of work for the Cibola National Forest.

This concludes my testimony and I would be happy to answer any questions that you may have.