

**Statement of
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Deputy Assistant Secretary
Land and Minerals Management
Department of the Interior
Senate Energy and Natural Resources Committee
Subcommittee on Public Lands, Forests, and Mining
H.R. 507, Pascua Yaqui Tribe Trust Land Act
July 30, 2013**

Thank you for the opportunity to testify on H.R. 507, which provides that certain public lands in the Tucson, Arizona, area are declared to be held in trust by the United States for the benefit of the Pascua Yaqui Tribe (Tribe), subject to valid existing rights and to additional restrictions in the legislation. The Department of the Interior (Department) supports holding the lands in trust for the Tribe, but has concerns that the legislation makes the trust declaration subject to an additional, unrelated restriction.

Background

The Tribe's lands are located in Pima County, near Tucson, Arizona, and are a combination of lands held in trust by the United States and lands purchased and held in fee by the Tribe. Some of these fee lands are the subject of pending "fee-land-to-trust-land" applications with the Department. The Tucson Unified School District (District) operates the Hohokam School on private lands adjacent to the tribal lands.

The Tribe is interested in acquiring two parcels of public land totaling approximately 20 acres. One parcel is an undeveloped, isolated 10-acre tract of land administered by the Bureau of Land Management (BLM). The second is a tract of approximately 10 acres that was patented under the Recreation and Public Purposes Act (R&PP) to the District, but never developed.

H.R. 507

H.R. 507 declares that approximately 20 acres of public land are to be held in trust by the United States for the benefit of the Tribe, subject to valid existing rights, following the approval of a private lease agreement by the Secretary of the Interior (Secretary). The lands include one 10-acre parcel of BLM-managed land (designated in the legislation as "Parcel A") and one 10-acre parcel patented to the District under the R&PP (designated "Parcel B"). Parcel B's trust status is deferred under the bill (Sec. 3(b)) subject to the District relinquishing its R&PP patent. In addition, under the bill (Sec. 3(c)), neither Parcel A nor Parcel B can be declared held in trust until the Secretary or a delegate approves and records a private lease agreement between the Tribe and the District for the operation of a regional transportation facility serving the Hohokam School located on restricted Indian land of the Tribe. The lease agreement pertains to lands unrelated to Parcel A or Parcel B.

H.R. 507 references a map titled: PYT Land Department and dated Jan. 15, 2013. The BLM would welcome the opportunity to work with the bill sponsor and committee on a new land status map to accompany the legislation.

The Department supports holding these two tracts of public land in trust for the Tribe. The Department has concerns that the additional requirement in Sec. 3(c), that the Secretary approve a private lease, on Tribal lands, for the District and the Tribe, as a precondition to holding in trust Parcel A and Parcel B – unrelated lands – may have implications for the Secretary’s exercise of trust responsibility to the Tribe.

Finally, the Department notes that section 5 of H.R. 507 addresses the treatment of water rights that may be associated with the land to be taken into trust for the benefit of the Tribe. The Department has concerns regarding Section 5's restriction on its ability to assert reserved water rights that the Tribe may have or claim on the two tracts of public land because it could restrict the ability of the Tribe and of the United States as trustee on behalf of the Tribe from fully asserting and protecting the water rights of the Tribe.

Conclusion

H.R. 507 represents an opportunity to improve land use for both the Tribe and the District on two isolated tracts of public land. Thank you for the opportunity to testify. I will be glad to answer any questions.