

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 794

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IN THE SENATE OF THE UNITED STATES

APRIL 13, 2005

Received; read twice and referred to the Committee on Indian Affairs

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## AN ACT

To correct the south boundary of the Colorado River Indian  
Reservation in Arizona, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE, FINDINGS, PURPOSES.**

2 (a) **SHORT TITLE.**—This Act may be cited as the  
3 “Colorado River Indian Reservation Boundary Correction  
4 Act”.

5 (b) **FINDINGS.**—Congress finds the following:

6 (1) The Act of March 3, 1865, created the Col-  
7 orado River Indian Reservation (hereinafter “Res-  
8 ervation”) along the Colorado River in Arizona and  
9 California for the “Indians of said river and its trib-  
10 utaries”.

11 (2) In 1873 and 1874, President Grant issued  
12 Executive Orders to expand the Reservation south-  
13 ward and to secure its southern boundary at a clear-  
14 ly recognizable geographic location in order to fore-  
15 stall non-Indian encroachment and conflicts with the  
16 Indians of the Reservation.

17 (3) In 1875, Mr. Chandler Robbins surveyed  
18 the Reservation (hereinafter “the Robbins Survey”)  
19 and delineated its new southern boundary, which in-  
20 cluded approximately 16,000 additional acres (here-  
21 inafter “the La Paz lands”), as part of the Reserva-  
22 tion.

23 (4) On May 15, 1876, President Grant issued  
24 an Executive Order that established the Reserva-  
25 tion’s boundaries as those delineated by the Robbins  
26 Survey.

1           (5) In 1907, as a result of increasingly frequent  
2           trespasses by miners and cattle and at the request  
3           of the Bureau of Indian Affairs, the General Land  
4           Office of the United States provided for a resurvey  
5           of the southern and southeastern areas of the Res-  
6           ervation.

7           (6) In 1914, the General Land Office accepted  
8           and approved a resurvey of the Reservation con-  
9           ducted by Mr. Guy Harrington in 1912 (hereinafter  
10          the “Harrington Resurvey”) which confirmed the  
11          boundaries that were delineated by the Robbins Sur-  
12          vey and established by Executive Order in 1876.

13          (7) On November 19, 1915, the Secretary of  
14          the Interior reversed the decision of the General  
15          Land Office to accept the Harrington Resurvey, and  
16          upon his recommendation on November 22, 1915,  
17          President Wilson issued Executive Order No. 2273  
18          “. . . to correct the error in location said southern  
19          boundary line . . .”—and thus effectively excluded  
20          the La Paz lands from the Reservation.

21          (8) Historical evidence compiled by the Depart-  
22          ment of the Interior supports the conclusion that the  
23          reason given by the Secretary in recommending that  
24          the President issue the 1915 Executive Order—“to  
25          correct an error in locating the southern bound-

1 ary”—was itself in error and that the La Paz lands  
2 should not have been excluded from the Reservation.

3 (9) The La Paz lands continue to hold cultural  
4 and historical significance, as well as economic devel-  
5 opment potential, for the Colorado River Indian  
6 tribes, who have consistently sought to have such  
7 lands restored to their Reservation.

8 (c) PURPOSES.—The purposes of this Act are:

9 (1) To correct the south boundary of the Res-  
10 ervation by reestablishing such boundary as it was  
11 delineated by the Robbins Survey and affirmed by  
12 the Harrington Resurvey.

13 (2) To restore the La Paz lands to the Reserva-  
14 tion, subject to valid existing rights under Federal  
15 law and to provide for continued reasonable public  
16 access for recreational purposes.

17 (3) To provide for the Secretary of the Interior  
18 to review and ensure that the corrected Reservation  
19 boundary is resurveyed and marked in conformance  
20 with the public system of surveys extended over such  
21 lands.

22 **SEC. 2. BOUNDARY CORRECTION, RESTORATION, DESCRIP-**  
23 **TION.**

24 (a) BOUNDARY.—The boundaries of the Colorado  
25 River Indian Reservation are hereby declared to include

1 those boundaries as were delineated by the Robbins Sur-  
2 vey, affirmed by the Harrington Survey, and described as  
3 follows: The approximately 15,375 acres of Federal land  
4 described as “Lands Identified for Transfer to Colorado  
5 River Indian Tribes” on the map prepared by the Bureau  
6 of Land Management entitled “Colorado River Indian  
7 Reservation Boundary Correction Act, and dated January  
8 4, 2005”, (hereinafter referred to as the “Map”).

9 (b) MAP.—The Map shall be available for review at  
10 the Bureau of Land Management.

11 (c) RESTORATION.—Subject to valid existing rights  
12 under Federal law, all right, title, and interest of the  
13 United States to those lands within the boundaries de-  
14 clared in subsection (a) that were excluded from the Colo-  
15 rado River Indian Reservation pursuant to Executive  
16 Order No. 2273 (November 22, 1915) are hereby restored  
17 to the Reservation and shall be held in trust by the United  
18 States on behalf of the Colorado River Indian Tribes.

19 (d) EXCLUSION.—Excluded from the lands restored  
20 to trust status on behalf of the Colorado River Indian  
21 Tribes that are described in subsection (a) are 2 parcels  
22 of Arizona State Lands identified on the Map as “State  
23 Lands” and totaling 320 acres and 520 acres.

1 **SEC. 3. RESURVEY AND MARKING.**

2 The Secretary of the Interior shall ensure that the  
3 boundary for the restored lands described in section 2(a)  
4 is surveyed and clearly marked in conformance with the  
5 public system of surveys extended over such lands.

6 **SEC. 4. WATER RIGHTS.**

7 The restored lands described in section 2(a) and  
8 shown on the Map shall have no Federal reserve water  
9 rights to surface water or ground water from any source.

10 **SEC. 5. PUBLIC ACCESS.**

11 Continued access to the restored lands described in  
12 section (2)(a) for hunting and other existing recreational  
13 purposes shall remain available to the public under reason-  
14 able rules and regulations promulgated by the Colorado  
15 River Indian Tribes.

16 **SEC. 6. ECONOMIC ACTIVITY.**

17 (a) IN GENERAL.—The restored lands described in  
18 section (2)(a) shall be subject to all rights-of-way, ease-  
19 ments, leases, and mining claims existing on the date of  
20 the enactment of this Act. The United States reserves the  
21 right to continue all Reclamation projects, including the  
22 right to access and remove mineral materials for Colorado  
23 River maintenance on the restored lands described in sec-  
24 tion (2)(a).

25 (b) ADDITIONAL RIGHTS-OF-WAY.—Notwithstanding  
26 any other provision of law, the Secretary, in consultation

1 with the Tribe, shall grant additional rights-of-way, expan-  
2 sions, or renewals of existing rights-of-way for roads, utili-  
3 ties, and other accommodations to adjoining landowners  
4 or existing right-of-way holders, or their successors and  
5 assigns, if—

6 (1) the proposed right-of-way is necessary to  
7 the needs of the applicant;

8 (2) the proposed right-of-way acquisition will  
9 not cause significant and substantial harm to the  
10 Colorado River Indian Tribes; and

11 (3) the proposed right-of-way complies with the  
12 procedures in part 169 of title 25, Code of Federal  
13 Regulations consistent with this subsection and  
14 other generally applicable Federal laws unrelated to  
15 the acquisition of interests on trust lands, except  
16 that section 169.3 of those regulations shall not be  
17 applicable to expansions or renewals of existing  
18 rights-of-way for roads and utilities.

19 (c) FEES.—The fees charged for the renewal of any  
20 valid lease, easement, or right-of-way subject to this sec-  
21 tion shall not be greater than the current Federal rate  
22 for such a lease, easement, or right-of-way at the time of  
23 renewal if the holder has been in substantial compliance  
24 with all terms of the lease, easement, or right-of-way.

1 **SEC. 7. GAMING.**

2 Land taken into trust under this Act shall neither  
3 be considered to have been taken into trust for gaming  
4 nor be used for gaming (as that term is used in the Indian  
5 Gaming Regulatory Act (25 U.S.C. 2701 et seq.)).

Passed the House of Representatives April 12, 2005.

Attest:

JEFF TRANDAHL,

*Clerk.*