

Union Calendar No. 27

103D CONGRESS
1ST SESSION

H. R. 38

[Report No. 103-58]

A BILL

To establish the Jemez National Recreation Area in the State of New Mexico, and for other purposes.

APRIL 20, 1993

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Union Calendar No. 27

103^D CONGRESS
1ST SESSION

H. R. 38

[Report No. 103-58]

To establish the Jemez National Recreation Area in the State of New Mexico,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

Mr. RICHARDSON introduced the following bill; which was referred to the
Committee on Natural Resources

APRIL 20, 1993

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on January 5, 1993]

A BILL

To establish the Jemez National Recreation Area in the
State of New Mexico, 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,*

3 **SECTION 1. ESTABLISHMENT.**

4 (a) *PURPOSE AND ESTABLISHMENT.*—*In order to con-*
5 *serve, protect, and restore the recreational, ecological, cul-*

1 tural, religious, and wildlife resource values of the Jemez
2 Mountains, there is hereby established the Jemez National
3 Recreational Area (hereinafter in this Act referred to as the
4 “recreation area”), to be administered by the Secretary of
5 Agriculture (hereinafter in this Act referred to as the “Sec-
6 retary”).

7 (b) *AREA INCLUDED.*—The recreation area shall be
8 comprised of approximately 57,000 acres of lands and in-
9 terests in lands within the Santa Fe National Forest as
10 generally depicted on the map entitled “Jemez National
11 Recreation Area—Proposed” and dated September 1992.
12 The map shall be on file and available for public inspection
13 in the offices of the Chief of the Forest Service, Department
14 of Agriculture, Washington, District of Columbia. The Sec-
15 retary may from time to time, in consultation with local
16 tribal leaders, make minor revisions in the boundary of the
17 recreation area to promote management effectiveness and
18 efficiency in furtherance of the purposes of this Act.

19 (c) *MAP AND DESCRIPTION.*—As soon as practicable
20 after enactment of this Act, the Secretary shall file a map
21 and legal description of the recreation area with the Com-
22 mittee on Natural Resources of the House of Representatives
23 and with the Committee on Energy and Natural Resources
24 and the Select Committee on Indian Affairs of the Senate.
25 Such map and legal description shall have the same force

1 *and effect as if included in this Act, except that correction*
2 *of clerical and typographical errors in such legal descrip-*
3 *tion and map may be made. Such map and legal descrip-*
4 *tion shall be on file and available for public inspection in*
5 *the Office of the Chief of the Forest Service, Department*
6 *of Agriculture.*

7 (d) *NO ADDITIONAL LANDS.—No lands or interests*
8 *therein outside of the boundaries of the recreation area may*
9 *be added to the recreation area without specific authoriza-*
10 *tion by Congress.*

11 **SEC. 2. ADMINISTRATION.**

12 (a) *IN GENERAL.—The Secretary shall administer the*
13 *recreation area in accordance with this Act and the laws,*
14 *rules, and regulations applicable to National Forest System*
15 *lands in a manner that will further the purposes of the*
16 *recreation area. Management of the natural resources with-*
17 *in the recreation area shall be permitted only to the extent*
18 *that such management is compatible with and does not im-*
19 *pair the purposes for which the recreation area is estab-*
20 *lished. Recreational activities within the recreation area*
21 *shall include (but not be limited to) hiking, camping, hunt-*
22 *ing, fishing, skiing, backpacking, rock climbing, and swim-*
23 *ming.*

24 (b) *MANAGEMENT PLAN.—The Secretary shall, no later*
25 *than 5 years after the enactment of this Act, develop a man-*

1 *agement plan for the recreation area, as an amendment to*
2 *the Santa Fe National Forest Land and Resource Manage-*
3 *ment Plan, to reflect the establishment of the recreation area*
4 *and to conform to the provisions of this Act. Nothing in*
5 *this Act shall require the Secretary to revise the Santa Fe*
6 *Forest Land and Resource Management Plan pursuant to*
7 *section 6 of the Forest and Rangeland Renewable Resources*
8 *Planning Act of 1974. During development of the manage-*
9 *ment plan for the recreation area, the Secretary shall study*
10 *newly designated land within the recreation area, and adja-*
11 *cent national forest land.*

12 *(c) CULTURAL RESOURCES.—In administering the*
13 *recreation area, the Secretary shall give particular empha-*
14 *sis to the preservation, stabilization, and protection of cul-*
15 *tural resources located within the recreation area in fur-*
16 *therance of the Archaeological Resources Protection Act of*
17 *1979, the National Historic Preservation Act, and the Act*
18 *of August 11, 1978 (42 U.S.C. 1991) (commonly referred*
19 *to as the “American Indian Religious Freedom Act”).*

20 *(d) NATIVE AMERICANS.—(1) In recognition of the his-*
21 *toric use of portions of the recreation area by Indian peo-*
22 *ples for traditional cultural and religious purposes, the Sec-*
23 *retary shall, in consultation with local tribal leaders, ensure*
24 *the protection of religious and cultural sites and provide*
25 *access from time to time to those sites by Indian peoples*

1 *for traditional cultural and religious purposes. Such access*
2 *shall be consistent with the purpose and intent of the Act*
3 *of August 11, 1978 (42 U.S.C. 1991) (commonly referred*
4 *to as the “American Indian Religious Freedom Act”). The*
5 *Secretary, in accordance with such Act, upon request of an*
6 *Indian tribe or pueblo, may from time to time temporarily*
7 *close to general public use one or more specific portions of*
8 *the recreational area in order to protect the privacy of reli-*
9 *gious activities and cultural uses in such portion by Indian*
10 *peoples. Any such closure shall be made so as to affect the*
11 *smallest practicable area for the minimum period necessary*
12 *for such purposes.*

13 *(2) In preparing and implementing management*
14 *plans for the recreation area, the Secretary shall request*
15 *that the Governor of the Pueblo of Jemez and the chief exec-*
16 *utive officers of other appropriate Indian tribes and pueblos*
17 *make recommendations on methods of—*

18 *(A) assuring access to religious and cultural*
19 *sites;*

20 *(B) enhancing the privacy and continuity of tra-*
21 *ditional cultural and religious activities in the recre-*
22 *ation area; and*

23 *(C) protecting traditional cultural and religious*
24 *sites in the recreation area.*

1 (e) *WILDLIFE RESOURCES.*—*In administering the*
2 *recreation area, the Secretary shall give particular empha-*
3 *sis to the conservation and protection of wildlife resources,*
4 *including species listed as sensitive by the Forest Service,*
5 *within the recreation area and shall comply with applicable*
6 *Federal and State laws relating to wildlife, including the*
7 *Endangered Species Act of 1973.*

8 (f) *HUNTING.*—*The Secretary shall permit hunting*
9 *and fishing on lands and waters under the jurisdiction of*
10 *the Secretary within the recreation area in accordance with*
11 *applicable Federal and State law. The Secretary may des-*
12 *ignate zones where, and establish periods when, such activi-*
13 *ties will not be permitted for reasons of public safety, ad-*
14 *ministration, fish and wildlife management, or public use*
15 *and enjoyment. Except in emergencies such designation by*
16 *the Secretary under this subsection shall be put into effect*
17 *only after consultation with the appropriate State agencies*
18 *responsible for hunting and fishing activities.*

19 (g) *TIMBER HARVESTING.*—*The Secretary may permit*
20 *timber harvesting in the recreation area for commercial*
21 *purposes, including (but not limited to) vigas, latillas, the*
22 *gathering of fuelwood, and for purposes of public safety,*
23 *recreation, wildlife, and administration, insofar as the har-*
24 *vesting is compatible with the purposes of the recreation*
25 *area. Trees damaged or downed due to fire, disease, or in-*

1 *sect infestation may be utilized, salvaged, or removed from*
2 *the recreation area as authorized by the Secretary in fur-*
3 *therance of the purposes of this Act. Nothing in this Act*
4 *shall be construed to affect the timber sales under contract*
5 *on the date of enactment of this Act. Nothing in this Act*
6 *shall be construed to effect the Los Griegos timber sale in*
7 *the Los Griegos Diversity Unit number 0322 as shown on*
8 *the West Half Diversity Unit map of the Santa Fe National*
9 *Forest dated November 1991; except that the Secretary shall*
10 *manage such sale using uneven aged management including*
11 *the individual tree selection method.*

12 *(h) GRAZING.—The Secretary may permit grazing*
13 *within the recreation area in accordance with regulations*
14 *prescribed by the Secretary. Riparian areas shall be man-*
15 *aged in such a manner as to protect their important re-*
16 *source values.*

17 *(i) TRANSPORTATION PLAN.—(1) Within 1 year after*
18 *the date of enactment of this Act, the Secretary shall pre-*
19 *pare a transportation plan that provides for the most effi-*
20 *cient use of roads and trails to accomplish the purposes of*
21 *this Act. The plan shall provide for a comprehensive trails*
22 *system that provides for dispersed recreation while mini-*
23 *mizing impact on significant archaeological and religious*
24 *sites.*

1 (2) *The Secretary shall construct, maintain, and close*
2 *roads within the recreation area after consultation with*
3 *local tribal leaders and only in accordance with such plan.*

4 (j) *RECREATIONAL FACILITIES.—The Secretary shall*
5 *provide for recreational facilities within the recreation*
6 *area. Such facilities shall be constructed so as to minimize*
7 *impacts on the scenic beauty, the natural character, and*
8 *the archaeological and religious sites of the recreation area.*

9 (k) *VISITOR FACILITIES.—The Secretary shall estab-*
10 *lish a visitor center and interpretive facilities in or near*
11 *the recreation area for the purpose of providing for edu-*
12 *cation relating to the interpretation of cultural and natural*
13 *resources of the recreation area.*

14 (l) *POWER TRANSMISSION LINES.—In accordance with*
15 *Federal and State laws and regulations, the Secretary may*
16 *permit a utility corridor for high power electric trans-*
17 *mission lines within the recreation area only when the Sec-*
18 *retary determines that—*

19 (1) *there is not a feasible alternative for the loca-*
20 *tion of such corridor;*

21 (2) *damage to the recreational and scenic quality*
22 *and to the archaeological and religious sites of the*
23 *recreation area will not be significant;*

24 (3) *it is in the public interest that such corridor*
25 *be located in the recreation area; and*

1 (4) *a plan to minimize harm to the resources of*
2 *the recreation area has been developed.*

3 (m) *SCIENTIFIC INVESTIGATIONS.*—*The Secretary*
4 *may permit scientific investigations within the recreation*
5 *area upon the Secretary's determination that such inves-*
6 *tigations are in the public interest and are compatible with*
7 *the purposes of this Act.*

8 **SEC. 3. MINERALS AND MINING.**

9 (a) *LIMITATION ON PATENT ISSUANCE.*—(1) *Notwith-*
10 *standing any other provision of law, no patents shall be*
11 *issued after May 30, 1991, for any location or claim made*
12 *in the recreation area under the mining laws of the United*
13 *States.*

14 (2) *Notwithstanding any statute of limitations or*
15 *similar restriction otherwise applicable, any party claim-*
16 *ing to have been deprived of any property right by enact-*
17 *ment of paragraph (1) may file in the United States Claims*
18 *Court a claim against the United States within 1 year after*
19 *the date of enactment of this Act seeking compensation for*
20 *such property right. The United States Claims Court shall*
21 *have jurisdiction to render judgment upon any such claim*
22 *in accordance with section 1491 of title 28, United States*
23 *Code.*

24 (b) *WITHDRAWAL.*—*Subject to valid existing rights,*
25 *after the date of enactment of this Act, lands within the*

1 *recreation area withdrawn from location under the general*
2 *mining laws and from the operation of the mineral leasing,*
3 *geothermal leasing, and mineral material disposal laws.*

4 (c) *RECLAMATION.*—*No mining activity involving any*
5 *surface disturbance of lands or waters within such area,*
6 *including disturbance through subsidence, shall be per-*
7 *mitted except in accordance with requirements imposed by*
8 *the Secretary, including requirements for reasonable rec-*
9 *lamation of disturbed lands to a visual and hydrological*
10 *condition as close as practical to their premining condition.*

11 (d) *MINING CLAIM VALIDITY REVIEW.*—*The Secretary*
12 *of Agriculture shall undertake and complete within 3 years*
13 *after the date of enactment of this Act an expedited program*
14 *to examine all unpatented mining claims, including those*
15 *for which a patent application has been filed, within the*
16 *recreation area. Upon determination by the Secretary of*
17 *Agriculture that the elements of a contest are present, the*
18 *Secretary of the Interior shall immediately determine the*
19 *validity of such claims. If a claim is determined to be in-*
20 *valid, the Secretary shall promptly declare the claim to be*
21 *null and void.*

22 (e) *PUBLIC PURPOSES.*—*The Secretary may utilize*
23 *mineral materials from within the recreation area for pub-*
24 *lic purposes such as maintenance and construction of roads,*

1 trails, and facilities as long as such use is compatible with
2 the purposes of the recreation area.

3 **SEC. 4. ADJOINING LANDS.**

4 The Secretary may evaluate lands adjoining the recre-
5 ation area for possible inclusion in the recreation area and
6 make recommendations to Congress, including (but not lim-
7 ited to) that area authorized for study by section 5 of Public
8 Law 101-556 (104 Stat. 2764), known as the Baca Loca-
9 tion Number 1. The Secretary, in consultation with local
10 tribal leaders and the National Park Service, shall, no later
11 than 2 years after enactment of this Act, submit rec-
12 ommendations with respect to future boundaries for the
13 recreation area.

14 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

15 There is authorized to be appropriated such sums as
16 may be necessary to carry out the purposes of this Act.