

103^D CONGRESS
1ST SESSION

S. 313

To amend the San Juan Basin Wilderness Protection Act of 1984 to designate additional lands as wilderness and to establish the Fossil Forest Research Natural Area, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 4 (legislative day, JANUARY 5), 1993

Mr. DOMENICI (for himself and Mr. BINGAMAN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the San Juan Basin Wilderness Protection Act of 1984 to designate additional lands as wilderness and to establish the Fossil Forest Research Natural Area, 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. SHORT TITLE.**

4 This Act may be cited as the “Bisti/De-Na-Zin
5 Wilderness Expansion and Fossil Forest Protection Act”.

1 **SEC. 2. BISTI/DE-NA-ZIN WILDERNESS.**

2 (a) WILDERNESS DESIGNATION.—Section 102 of the
3 San Juan Basin Wilderness Protection Act of 1984 (Pub-
4 lic Law 98–603) is amended—

5 (1) in subsection (a)—

6 (A) by striking “wilderness, and, there-
7 fore,” and all that follows through “System—
8 ” and inserting “wilderness areas, and as one
9 component of the National Wilderness Preser-
10 vation System, to be known as the ‘Bisti/De-
11 Na-Zin Wilderness’—”;

12 (B) in paragraph (1), by striking “, and
13 which shall be known as the Bisti Wilderness;
14 and” and inserting a semicolon;

15 (C) in paragraph (2), by striking “, and
16 which shall be known as the De-na-zin Wilder-
17 ness.” and inserting “; and”;

18 (D) by adding at the end the following new
19 paragraph:

20 “(3) certain lands in the Farmington District of
21 the Bureau of Land Management, New Mexico,
22 which comprise approximately 16,674 acres, as gen-
23 erally depicted on a map entitled ‘Bisti/De-Na-Zin
24 Wilderness Amendment Proposal’, dated May
25 1992.”;

1 (2) in the first sentence of subsection (c), by in-
2 serting after “of this Act” the following: “with re-
3 gard to the areas described in paragraphs (1) and
4 (2) of subsection (a), and as soon as practicable
5 after the date of enactment of subsection (a)(3) with
6 regard to the area described in subsection (a)(3)”;

7 (3) in subsection (d), by inserting after “of this
8 Act” the following: “with regard to the areas de-
9 scribed in paragraphs (1) and (2) of subsection (a),
10 and where established prior to the date of enactment
11 of subsection (a)(3) with regard to the area de-
12 scribed in subsection (a)(3)”;

13 (4) by adding at the end the following new sub-
14 section:

15 “(e)(1) The lands described in subsection (a)(3) are
16 withdrawn from all forms of appropriation under the min-
17 ing laws and from disposition under all laws pertaining
18 to mineral leasing, geothermal leasing, and mineral mate-
19 rial sales.

20 “(2) To satisfy valid existing rights, the Secretary of
21 the Interior may follow the lease exchange procedures
22 specified in sections 3430.5 and 3435 of title 43, Code
23 of Federal Regulations, on any coal preference right lease
24 application for lands within the area described in sub-
25 section (a)(3) if the applicant demonstrates that coal ex-

1 ists in commercial quantities on the lands that are the
2 subject of the application.

3 “(3) Operations on oil and gas leases issued prior to
4 the date of enactment of subsection (a)(3) shall be subject
5 to the applicable provisions of Group 3100 of title 43,
6 Code of Federal Regulations (including section 3162.5–
7 1), and such other terms, stipulations, and conditions as
8 the Secretary of the Interior considers necessary to avoid
9 significant disturbance of the land surface or impairment
10 of the ecological, educational, scientific, recreational, sce-
11 nic, and other wilderness values of the lands described in
12 subsection (a)(3) in existence on the date of enactment
13 of subsection (a)(3).”.

14 (b) EXCHANGES FOR STATE LANDS.—Section 104 of
15 the Act is amended—

16 (1) in the first sentence of subsection (b), by in-
17 serting after “of this Act” the following: “with re-
18 gard to the areas described in paragraphs (1) and
19 (2) of subsection (a), and not later than 120 days
20 after the date of enactment of subsection (a)(3) with
21 regard to the area described in subsection (a)(3)”;

22 (2) in subsection (c), by inserting before the pe-
23 riod the following: “with regard to the areas de-
24 scribed in paragraphs (1) and (2) of subsection (a),
25 and as of the date of enactment of subsection (a)(3)

1 with regard to the area described in subsection
2 (a)(3)”; and

3 (3) in the last sentence of subsection (d), by in-
4 sserting before the period the following: “with regard
5 to the areas described in paragraphs (1) and (2) of
6 subsection (a), and not later than 2 years after the
7 date of enactment of subsection (a)(3) with regard
8 to the area described in subsection (a)(3)”.

9 (c) EXCHANGES FOR INDIAN LANDS.—Section 105
10 of the Act is amended by adding at the end the following
11 new subsection:

12 “(d)(1) The Secretary of the Interior shall exchange
13 any lands held in trust for the Navajo Tribe by the Bureau
14 of Indian Affairs that are within the boundary of the area
15 described in subsection (a)(3).

16 “(2) The lands shall be exchanged for lands approxi-
17 mately equal in value that are selected by the Navajo
18 Tribe.

19 “(3) After the exchange, the lands selected by the
20 Navajo Tribe shall be held in trust by the Secretary of
21 the Interior in the same manner as the lands described
22 in paragraph (1).”.

1 **SEC. 3. FOSSIL FOREST RESEARCH NATURAL AREA.**

2 Section 103 of the San Juan Basin Wilderness Pro-
3 tection Act of 1984 (Public Law 98–603) is amended to
4 read as follows:

5 **“SEC. 103. FOSSIL FOREST RESEARCH NATURAL AREA.**

6 “(a) ESTABLISHMENT.—To conserve and protect
7 natural values and to provide scientific knowledge, edu-
8 cation, and interpretation for the benefit of future genera-
9 tions, there is established the Fossil Forest Research Nat-
10 ural Area (referred to in this section as the ‘Area’), con-
11 sisting of the approximately 2,770 acres in the Farming-
12 ton District of the Bureau of Land Management, New
13 Mexico, as generally depicted on a map entitled ‘Fossil
14 Forest’, dated June 1983.

15 “(b) MAP AND LEGAL DESCRIPTION.—

16 “(1) IN GENERAL.—As soon as practicable
17 after the date of enactment of this paragraph, the
18 Secretary of the Interior shall file a map and legal
19 description of the Area with the Committee on En-
20 ergy and Natural Resources of the Senate and the
21 Committee on Natural Resources of the House of
22 Representatives.

23 “(2) FORCE AND EFFECT.—The map and legal
24 description described in paragraph (1) shall have the
25 same force and effect as if included in this Act.

1 “(3) TECHNICAL CORRECTIONS.—The Sec-
2 retary of the Interior may correct clerical, typo-
3 graphical, and cartographical errors in the map and
4 legal description subsequent to filing the map pursu-
5 ant to paragraph (1).

6 “(4) PUBLIC INSPECTION.—The map and legal
7 description shall be on file and available for public
8 inspection in the Office of the Director of the Bu-
9 reau of Land Management, Department of the Inte-
10 rior.

11 “(c) MANAGEMENT.—

12 “(1) IN GENERAL.—The Secretary of the Inte-
13 rior, acting through the Director of the Bureau of
14 Land Management, shall manage the Area—

15 “(A) to protect the resources within the
16 Area; and

17 “(B) in accordance with—

18 “(i) this Act;

19 “(ii) the Federal Land Policy and
20 Management Act of 1976 (43 U.S.C. 1701
21 et seq.); and

22 “(iii) other applicable provisions of
23 law.

24 “(2) MINING.—

1 “(A) WITHDRAWAL.—The lands within the
2 Area are withdrawn from all forms of appro-
3 priation under the mining laws and from dis-
4 position under all laws pertaining to mineral
5 leasing, geothermal leasing, and mineral mate-
6 rial sales.

7 “(B) COAL PREFERENCE RIGHTS.—To sat-
8 isfy valid existing rights, the Secretary of the
9 Interior may follow the lease exchange proce-
10 dures specified in sections 3430.5 and 3435 of
11 title 43, Code of Federal Regulations, on any
12 coal preference right lease application for lands
13 within the Area if the applicant demonstrates
14 that coal exists in commercial quantities on the
15 lands that are the subject of the application.

16 “(C) OIL AND GAS LEASES.—Operations
17 on oil and gas leases issued prior to the date of
18 enactment of this paragraph shall be subject to
19 the applicable provisions of Group 3100 of title
20 43, Code of Federal Regulations (including sec-
21 tion 3162.5–1), and such other terms, stipula-
22 tions, and conditions as the Secretary of the In-
23 terior considers necessary to avoid significant
24 disturbance of the land surface or impairment
25 of the natural, educational, and scientific re-

1 search values of the Area in existence on the
2 date of enactment of this paragraph.

3 “(3) GRAZING.—Livestock grazing on lands
4 within the Area may not be permitted.

5 “(d) INVENTORY.—Not later than 3 full fiscal years
6 after the date of enactment of this subsection, the Sec-
7 retary of the Interior, acting through the Director of the
8 Bureau of Land Management, shall develop a baseline in-
9 ventory of all categories of fossil resources. After the in-
10 ventory is developed, the Secretary shall conduct monitor-
11 ing surveys at intervals specified in the management plan
12 developed for the Area in accordance with subsection (e).

13 “(e) MANAGEMENT PLAN.—

14 “(1) IN GENERAL.—Not later than the last day
15 of the 5th fiscal year that begins after the date of
16 enactment of this subsection, the Secretary of the
17 Interior shall develop and submit to the Committee
18 on Energy and Natural Resources of the Senate and
19 the Committee on Natural Resources of the House
20 of Representatives a management plan that de-
21 scribes the appropriate uses of the Area consistent
22 with this Act.

23 “(2) CONTENTS.—The management plan shall
24 include—

1 “(A) a plan for the implementation of a
2 continuing cooperative program with other
3 agencies and groups for—

4 “(i) laboratory and field interpreta-
5 tion; and

6 “(ii) public education about the re-
7 sources and values of the Area (including
8 vertebrate fossils);

9 “(B) provisions for vehicle management
10 that are consistent with the purpose of the Area
11 and that provide for the use of vehicles to the
12 minimum extent necessary to accomplish an in-
13 dividual scientific project;

14 “(C) procedures for the excavation and col-
15 lection of fossil remains, including botanical fos-
16 sils, and the use of motorized and mechanical
17 equipment to the minimum extent necessary to
18 accomplish an individual scientific project; and

19 “(D) mitigation and reclamation standards
20 for activities that disturb the surface to the det-
21 riment of scenic and environmental values.”.

○