

103D CONGRESS
1ST SESSION

S. 643

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

IN THE SENATE OF THE UNITED STATES

MARCH 24 (legislative day, MARCH 3), 1993

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

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. SHORT TITLE.**

4 This Act may be cited as the “Jemez National Recre-

5 ation Area Establishment Act”.

6 **SEC. 2. DEFINITIONS.**

7 As used in this Act:

8 (1) RECREATION AREA.—The term “recreation

9 area” means the Jemez National Recreation Area

10 established by this Act.

1 (2) SECRETARY.—Except as otherwise provided
2 in this Act, the term “Secretary” means the Sec-
3 retary of Agriculture.

4 **SEC. 3. ESTABLISHMENT OF JEMEZ NATIONAL RECRE-**
5 **ATION AREA.**

6 (a) IN GENERAL.—To conserve, protect, and restore
7 the recreational, ecological, cultural, religious, and wildlife
8 resource values of the Jemez Mountains, there is estab-
9 lished the Jemez National Recreation Area, to be adminis-
10 tered by the Secretary.

11 (b) AREA INCLUDED.—

12 (1) IN GENERAL.—The recreation area shall be
13 comprised of approximately 57,000 acres of land and
14 interests in land within the Santa Fe National For-
15 est, as generally depicted on the map entitled
16 “Jemez National Recreation Area—Proposed” and
17 dated September 1992.

18 (2) MINOR REVISIONS.—The Secretary may
19 from time to time and in consultation with local trib-
20 al leaders make minor revisions in the boundary of
21 the recreation area to promote management effec-
22 tiveness and efficiency in furtherance of this Act.

23 (c) MAP AND DESCRIPTION.—

24 (1) FILING.—As soon as is practicable after the
25 date of enactment of this Act, the Secretary shall

1 file a map and legal description of the recreation
2 area with the Committee on Energy and Natural Re-
3 sources of the Senate and the Committee on Natural
4 Resources of the House of Representatives.

5 (2) FORCE AND EFFECT.—The map and legal
6 description shall have the same force and effect as
7 if included in this Act, except that the Secretary
8 may correct clerical and typographical errors in the
9 map and legal description.

10 (3) PUBLIC INSPECTION.—The map and legal
11 description shall be on file and available for public
12 inspection in the Office of the Chief of the Forest
13 Service of the Department of Agriculture.

14 **SEC. 4. ADMINISTRATION.**

15 (a) IN GENERAL.—

16 (1) IN GENERAL.—The Secretary shall admin-
17 ister the recreation area—

18 (A) in accordance with this Act and the
19 laws applicable to lands within the National
20 Forest System; and

21 (B) in a manner that will further the pur-
22 poses of the recreation area.

23 (2) MANAGEMENT.—Management of the natu-
24 ral resources within the recreation area shall be per-
25 mitted only to the extent that the management is

1 compatible with and does not impair the purposes
2 for which the recreation area is established.

3 (3) RECREATIONAL ACTIVITIES.—Permissible
4 recreational activities within the recreation area
5 shall include hiking, camping, hunting, fishing, ski-
6 ing, backpacking, rock climbing, and swimming.

7 (b) MANAGEMENT PLAN.—

8 (1) IN GENERAL.—Not later than 5 years after
9 the date of enactment of this Act, the Secretary
10 shall develop a management plan for the recreation
11 area as an amendment to the Santa Fe National
12 Forest Land and Resource Management Plan. The
13 management plan shall—

14 (A) reflect the establishment of the recre-
15 ation area, including newly designated land
16 within the recreation area and adjacent Na-
17 tional Forest land; and

18 (B) conform to the requirements of this
19 Act.

20 (2) CONGRESSIONAL INTENT.—Nothing in this
21 Act is intended to require the Secretary to revise the
22 Santa Fe Forest Land and Resource Management
23 Plan pursuant to section 6 of the Forest and Range-
24 land Renewable Resources Planning Act of 1974 (16
25 U.S.C. 1604).

1 (c) CULTURAL RESOURCES.—In administering the
2 recreation area, the Secretary shall give particular empha-
3 sis to the preservation, stabilization, and protection of cul-
4 tural resources located within the recreation area in fur-
5 therance of the Archaeological Resources Protection Act
6 of 1979 (16 U.S.C. 470aa et seq.) and the National His-
7 toric Preservation Act (16 U.S.C. 470 et seq.).

8 (d) NATIVE AMERICANS.—

9 (1) PROTECTION OF SITES.—

10 (A) IN GENERAL.—In recognition of the
11 past use of portions of the recreation area by
12 Indian peoples for traditional cultural and reli-
13 gious purposes, the Secretary shall protect In-
14 dian religious and cultural sites and provide oc-
15 casional access to those sites by Indian peoples
16 for traditional cultural and religious purposes.
17 The access shall be consistent with the purpose
18 and intent of Public Law 95–341 (42 U.S.C.
19 1991) (commonly known as the “American In-
20 dian Religious Freedom Act”).

21 (B) TEMPORARY CLOSINGS.—In accord-
22 ance with such joint resolution and upon re-
23 quest of an Indian tribe or pueblo, the Sec-
24 retary may from time to time temporarily close
25 to general public use one or more specific por-

1 tions of the recreation area to protect the pri-
2 vacy of religious activities and cultural uses by
3 Indian peoples. Any closure shall be made so as
4 to affect the smallest practicable area for the
5 minimum period necessary.

6 (2) CONSULTATION WITH NATIVE AMERI-
7 CANS.—In preparing and implementing management
8 plans for the recreation area, the Secretary shall re-
9 quest that the Governor of the Pueblo of Jemez and
10 the chief executive officers of other appropriate In-
11 dian tribes and pueblos make recommendations on
12 methods of—

13 (A) ensuring access to cultural and reli-
14 gious sites;

15 (B) enhancing the privacy and continuity
16 of traditional cultural and religious activities in
17 the recreation area; and

18 (C) protecting traditional cultural and reli-
19 gious sites in the recreation area.

20 (e) WILDLIFE RESOURCES.—In administering the
21 recreation area, the Secretary shall—

22 (1) give particular emphasis to the conservation
23 and protection of wildlife resources within the recre-
24 ation area (including species listed as sensitive by
25 the Forest Service); and

1 (2) comply with applicable Federal and State
2 laws relating to wildlife, including the Endangered
3 Species Act of 1973 (16 U.S.C. 1531 et seq.).

4 (f) HUNTING.—

5 (1) IN GENERAL.—Within the recreation area,
6 and subject to paragraph (2), the Secretary shall
7 permit hunting and fishing on lands and waters
8 under the jurisdiction of the Secretary in accordance
9 with applicable Federal and State law.

10 (2) LIMITATION.—

11 (A) IN GENERAL.—The Secretary may des-
12 ignate zones where, and establish periods when,
13 hunting and fishing shall not be permitted for
14 reasons of public safety, administration, fish
15 and wildlife management, or public use and en-
16 joyment.

17 (B) CONSULTATION.—Except in emer-
18 gencies, designation by the Secretary under this
19 paragraph shall take effect only after consulta-
20 tion with the appropriate State agencies respon-
21 sible for hunting and fishing activities.

22 (g) TIMBER HARVESTING.—

23 (1) IN GENERAL.—The Secretary may permit
24 timber harvesting in the recreation area for commer-
25 cial purposes (including vigas, latillas, and the gath-

1 ering of fuelwood) and for purposes of public safety,
2 recreation, wildlife, and administration, to the extent
3 that the harvesting is compatible with the purposes
4 of the recreation area.

5 (2) DAMAGED TIMBER.—Trees that are dam-
6 aged or downed as a result of fire, disease, or insect
7 infestation may be utilized, salvaged, or removed
8 from the recreation area as authorized by the Sec-
9 retary in accordance with the purposes of this Act.

10 (3) TIMBER SALES UNDER CONTRACT.—Noth-
11 ing in this Act is intended to affect timber sales
12 under contract on the date of enactment of this Act.

13 (4) LOS GRIEGOS TIMBER SALE.—

14 (A) IN GENERAL.—Except as provided in
15 subparagraph (B), nothing in this Act is in-
16 tended to affect the Los Griegos timber sale in
17 the Los Griegos Diversity Unit number 0322,
18 as shown on the West Half Diversity Unit map
19 of the Santa Fe National Forest dated Novem-
20 ber 1991.

21 (B) EXCEPTION.—The Secretary shall
22 manage the sale using uneven aged manage-
23 ment, including the individual tree selection
24 method.

1 (h) GRAZING.—The Secretary may permit grazing
2 within the recreation area in accordance with regulations
3 prescribed by the Secretary. Riparian areas shall be man-
4 aged in such a manner as to protect their important re-
5 source values.

6 (i) TRANSPORTATION PLAN.—

7 (1) IN GENERAL.—Not later than 1 year after
8 the date of enactment of this Act, the Secretary
9 shall prepare a transportation plan that provides for
10 the most efficient use of roads and trails in existence
11 on the date of enactment of this Act to accomplish
12 the purposes of this Act. The plan shall provide for
13 a comprehensive trails system that permits dispersed
14 recreation while minimizing the impact on signifi-
15 cant archaeological and religious sites.

16 (2) ROADS.—The Secretary shall construct,
17 maintain, and close roads within the recreation area
18 only in accordance with the plan prepared pursuant
19 to paragraph (1).

20 (j) RECREATIONAL FACILITIES.—The Secretary shall
21 provide for recreational facilities within the recreation
22 area. The facilities shall be constructed so as to minimize
23 impacts on scenic beauty and the natural character of the
24 recreation area.

1 (k) VISITOR FACILITIES.—The Secretary shall estab-
2 lish a visitor center and interpretive facilities in or near
3 the recreation area to provide for education relating to the
4 interpretation of the cultural and natural resources of the
5 recreation area.

6 (l) POWER TRANSMISSION LINES.—In accordance
7 with Federal and State law, the Secretary may permit a
8 utility corridor for high power electric transmission lines
9 if the Secretary determines that—

10 (1) there is not a feasible alternative for the lo-
11 cation of the corridor;

12 (2) damage to the recreational and scenic qual-
13 ity of the recreation area will not be significant;

14 (3) it is in the public interest that the corridor
15 be located in the recreation area; and

16 (4) a plan to minimize harm to the resources of
17 the recreation area has been developed.

18 (m) SCIENTIFIC INVESTIGATIONS.—The Secretary
19 may permit scientific investigations within the recreation
20 area if the Secretary determines that the investigations
21 are in the public interest and are compatible with this Act.

22 **SEC. 5. ACQUISITION OF LAND.**

23 (a) STATE LAND.—Land and interests in land within
24 the boundaries of the recreation area that are owned by

1 the State of New Mexico, or a political subdivision of New
2 Mexico, may be acquired only by donation or exchange.

3 (b) OFFERS TO SELL.—

4 (1) IN GENERAL.—Subject to paragraph (2),
5 the Secretary may acquire land and interests in land
6 within the boundaries of the recreation area by do-
7 nation, purchase with donated or appropriated
8 funds, or exchange.

9 (2) LIMITATION.—No land or interest in land
10 may be added to the recreation area after the date
11 of enactment of this Act without specific authoriza-
12 tion by Congress and the consent of the owner of the
13 land or interest in land.

14 **SEC. 6. MINERALS AND MINING.**

15 (a) LIMITATION ON PATENT ISSUANCE.—

16 (1) IN GENERAL.—Notwithstanding any other
17 provision of law, no patents shall be issued after
18 May 30, 1991, for a location or claim in the recre-
19 ation area under the mining laws of the United
20 States.

21 (2) CLAIMS FOR PROPERTY RIGHTS.—Notwith-
22 standing any statute of limitations or similar restric-
23 tion otherwise applicable, and not later than 1 year
24 after the date of enactment of this Act, a party
25 claiming to have been deprived of a property right

1 by the enactment of paragraph (1) may file in the
2 United States Claims Court a claim against the
3 United States seeking compensation for deprivation
4 of the property right. The United States Claims
5 Court shall have jurisdiction to render judgment
6 upon the claim in accordance with section 1491 of
7 title 28, United States Code.

8 (b) WITHDRAWAL.—Subject to valid existing rights,
9 lands within the recreation area are withdrawn from loca-
10 tion under the general mining laws and from the operation
11 of the mineral leasing, geothermal leasing, and mineral
12 material disposal laws.

13 (c) RECLAMATION.—No mining activity involving any
14 surface disturbance of lands or waters within the recre-
15 ation area (including disturbance through subsidence)
16 shall be permitted except in accordance with requirements
17 imposed by the Secretary, including requirements for rea-
18 sonable reclamation of disturbed lands to a visual and
19 hydrological condition as close as practicable to their
20 premining condition.

21 (d) MINING CLAIM VALIDITY REVIEW.—

22 (1) EXAMINATION OF CLAIMS.—Not later than
23 3 years after the date of enactment of this Act, the
24 Secretary shall undertake and complete an expedited
25 program to examine all unpatented mining claims

1 within the recreation area, including those claims for
2 which a patent application has been filed.

3 (2) DETERMINATION OF VALIDITY.—If the Sec-
4 retary determines that the elements of a contest are
5 present, the Secretary of the Interior shall imme-
6 diately determine the validity of the claims. If a
7 claim is determined to be invalid, the Secretary shall
8 promptly declare the claim to be null and void.

9 (e) USE OF MINERAL MATERIALS.—The Secretary
10 may use mineral materials from within the recreation area
11 for public purposes (including the maintenance and con-
12 struction of roads, trails, and facilities) if the use is com-
13 patible with the purposes of the recreation area.

14 **SEC. 7. ADJOINING LANDS.**

15 The Secretary may evaluate lands adjoining the
16 recreation area for possible inclusion in the recreation area
17 and make recommendations to Congress. Lands evaluated
18 may include the area authorized for study by section 5
19 of the Baca Location No. 1 Land Acquisition and Study
20 Act of 1990.

21 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

22 There are authorized to be appropriated such sums
23 as are necessary to carry out this Act.

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