

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 1132

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IN THE HOUSE OF REPRESENTATIVES

JULY 20, 1998

Referred to the Committee on Resources

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## AN ACT

To modify the boundaries of the Bandelier National Monument to include the lands within the headwaters of the Upper Alamo Watershed which drain into the Monument and which are not currently within the jurisdiction of a Federal land management agency, to authorize purchase or donation of those lands, 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 “Bandelier National  
5 Monument Administrative Improvement and Watershed  
6 Protection Act of 1998”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds that:

3 (1) Bandelier National Monument (hereinafter,  
4 the Monument) was established by Presidential pro-  
5 clamation on February 11, 1916, to preserve the ar-  
6 cheological resources of a “vanished people, with as  
7 much land as may be necessary for the proper pro-  
8 tection thereof. . .” (No. 1322; 39 Stat. 1746).

9 (2) At various times since its establishment, the  
10 Congress and the President have adjusted the Monu-  
11 ment’s boundaries and purpose to further preserva-  
12 tion of archeological and natural resources within  
13 the Monument.

14 (A) On February 25, 1932, the Otowi Sec-  
15 tion of the Santa Fe National Forest (some  
16 4,699 acres of land) was transferred to the  
17 Monument from the Santa Fe National Forest  
18 (Presidential Proclamation No. 1191; 17 Stat.  
19 2503).

20 (B) In December of 1959, 3,600 acres of  
21 Frijoles Mesa were transferred to the National  
22 Park Service from the Atomic Energy Commit-  
23 tee (hereinafter, AEC) and subsequently added  
24 to the Monument on January 9, 1991, because  
25 of “pueblo-type archeological ruins germane to

1 those in the monument” (Presidential Procla-  
2 mation No. 3388).

3 (C) On May 27, 1963, Upper Canyon,  
4 2,882 acres of land previously administered by  
5 the AEC, was added to the Monument to pre-  
6 serve “their unusual scenic character together  
7 with geologic and topographic features, the  
8 preservation of which would implement the pur-  
9 poses” of the Monument (Presidential Procla-  
10 mation No. 3539).

11 (D) In 1976, concerned about upstream  
12 land management activities that could result in  
13 flooding and erosion in the Monument, Con-  
14 gress included the headwaters of the Rito de los  
15 Frijoles and the Cañada de Cochiti Grant (a  
16 total of 7,310 acres) within the Monument’s  
17 boundaries (Public Law 94–578; 90 Stat.  
18 2732).

19 (E) In 1976, Congress created the Ban-  
20 delier Wilderness, a 23,267 acres area that cov-  
21 ers over 70 percent of the Monument.

22 (3) The Monument still has potential threats  
23 from flooding, erosion, and water quality deteriora-  
24 tion because of the mixed ownership of the upper

1        watersheds, along its western border, particularly in  
2        Alamo Canyon.

3        (b) PURPOSE.—The purpose of this Act is to modify  
4 the boundary of the Monument to allow for acquisition  
5 and enhanced protection of the lands within the Monu-  
6 ment’s upper watershed.

7        **SEC. 3. BOUNDARY MODIFICATION.**

8        Effective on the date of enactment of this Act, the  
9 boundaries of the Monument shall be modified to include  
10 approximately 935 acres of land comprised of the Elk  
11 Meadows subdivision, the Gardner parcel, the Clark par-  
12 cel, and the Baca Land & Cattle Co. lands within the  
13 Upper Alamo watershed as depicted on the National Park  
14 Service map entitled “Proposed Boundary Expansion Map  
15 Bandlier National Monument” dated July, 1997. Such  
16 map shall be on file and available for public inspection  
17 in the offices of the Director of the National Park Service,  
18 Department of the Interior.

19        **SEC. 4. LAND ACQUISITION.**

20        (a) IN GENERAL.—Except as provided in subsections  
21 (b) and (c), the Secretary of the Interior is authorized to  
22 acquire lands and interests therein within the boundaries  
23 of the area added to the Monument by this Act by dona-  
24 tion, purchase with donated or appropriated funds, trans-  
25 fer with another Federal agency, or exchange: *Provided,*

1 That no lands or interests therein may be acquired except  
2 with the consent of the owner thereof.

3 (b) STATE AND LOCAL LANDS.—Lands or interests  
4 therein owned by the State of New Mexico or a political  
5 subdivision thereof may only be acquired by donation or  
6 exchange.

7 (c) ACQUISITION OF LESS THAN FEE INTERESTS IN  
8 LAND.—The Secretary may acquire less than fee interests  
9 in land only if the Secretary determines that such less  
10 than fee acquisition will adequately protect the Monument  
11 from flooding, erosion, and degradation of its drainage wa-  
12 ters.

13 **SEC. 5. ADMINISTRATION.**

14 The Secretary of the Interior, acting through the Di-  
15 rector of the National Park Service, shall manage the na-  
16 tional Monument, including lands added to the Monument  
17 by this Act, in accordance with this Act and the provisions  
18 of law generally applicable to units of National Park Sys-  
19 tem, including the Act of August 25, 1916, an Act to es-  
20 tablish a National Park Service (39 Stat. 535; 16 U.S.C.  
21 1 et seq.), and such specific legislation as heretofore has  
22 been enacted regarding the Monument.

1 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

2       There is authorized to be appropriated such sums as  
3 may be necessary to carry out the purpose of this Act.

Passed the Senate July 17, 1998.

Attest:

GARY SISCO,  
*Secretary.*