

Calendar No. 350105TH CONGRESS
2^D SESSION**S. 1132****[Report No. 105-178]**

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.

IN THE SENATE OF THE UNITED STATES

JULY 31, 1997

Mr. BINGAMAN introduced the following bill; which was read twice and referred to the Committee on Natural Resources

APRIL 29, 1998

Reported by Mr. MARKOWSKI, with amendments

[Omit the part struck through and insert the part printed in *italic*]

A BILL

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 1997”.

7 **SEC. 2. FINDINGS AND PURPOSES.**

8 (a) FINDINGS.—Congress finds that:

9 (1) Bandelier National Monument (hereinafter,
10 the Monument) was established by Presidential proc-
11 lamation on February 11, 1916, to preserve the ar-
12 cheological resources of a “vanished people, with as
13 much land as may be necessary for the proper pro-
14 tection thereof. . .” (No. 1322; 39 Stat. 1746).

15 (2) At various times since its establishment, the
16 Congress and the President have adjusted the Monu-
17 ment’s boundaries and purpose to further preserva-
18 tion of archeological and natural resources within
19 the Monument.

20 (A) On February 25, 1932, the Otowi Sec-
21 tion of the Santa Fe National Forest (some
22 4,699 acres of land) was transferred to the
23 Monument from the Santa Fe National Forest
24 (Presidential Proclamation No. 1191; 17 Stat.
25 2503).

1 (B) In December of 1959, 3,600 acres of
2 Frijoles Mesa were transferred to the National
3 Park Service from the Atomic Energy Commit-
4 tee (hereinafter, AEC) and subsequently added
5 to the Monument on January 9, 1991, because
6 of “pueblo-type archeological ruins germane to
7 those in the monument” (Presidential Procla-
8 mation No. 3388).

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

17 (D) In 1976, concerned about upstream
18 land management activities that could result in
19 flooding and erosion in the Monument, Con-
20 gress included the headwaters of the Rito de los
21 Frijoles and the Cañada de Cochiti Grant (a
22 total of 7,310 acres) within the Monument’s
23 boundaries (Public Law 94–578; 90 Stat.
24 2732).

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

4 (3) The Monument still has potential threats
 5 from flooding, erosion, and water quality deteriora-
 6 tion because of the mixed ownership of the upper
 7 watersheds, along its western border, particularly in
 8 Alamo Canyon.

9 **(b) PURPOSES.**—~~The purposes of this Act are to~~ (b)
 10 **PURPOSE.**—*The purpose of this Act is to* modify the bound-
 11 ary of the Monument to allow for acquisition and en-
 12 hanced protection of the lands within the Monument’s
 13 upper watershed.

14 **SEC. 3. BOUNDARY MODIFICATION.**

15 Effective on the date of enactment of this Act, the
 16 boundaries of the Monument shall be modified to include
 17 approximately 935 acres of land comprised of the Elk
 18 Meadows subdivision, the Gardner parcel, the Clark par-
 19 cel, and the Baca Land & Cattle Co. lands within the
 20 Upper Alamo watershed as depicted on the ~~map~~ National
 21 Park Service map entitled “~~Alamo Headwaters Proposed~~
 22 Additions” dated 6/97. “*Proposed Boundary Expansion*
 23 *Map Bandlier National Monument*” dated July, 1997.
 24 Such map shall be on file and available for public inspec-

1 tion in the offices of the Director of the National Park
2 Service, Department of the Interior.

3 **SEC. 4. TRANSFER AND ACQUISITION OF LANDS.**

4 Within the boundaries designated by this Act, the
5 Secretary of the Interior is authorized to acquire lands
6 (or interests in lands such as he determines shall ade-
7 quately protect the Monument from flooding, erosion, and
8 degradation of its drainage waters) by donation, purchase
9 with donated or appropriated funds, exchange, or transfer
10 of lands acquired by other Federal agencies.

11 **SEC. 4. LAND ACQUISITION.**

12 (a) *IN GENERAL.*—*Except as provided in subsections*
13 *(b) and (c), the Secretary of the Interior is authorized to*
14 *acquire lands and interests therein within the boundaries*
15 *of the area added to the Monument by this Act by donation,*
16 *purchase with donated or appropriated funds, transfer with*
17 *another Federal agency, or exchange: Provided, That no*
18 *lands or interests therein may be acquired except with the*
19 *consent of the owner thereof.*

20 (b) *STATE AND LOCAL LANDS.*—*Lands or interests*
21 *therein owned by the State of New Mexico or a political*
22 *subdivision thereof may only be acquired by donation or*
23 *exchange.*

24 (c) *ACQUISITION OF LESS THAN FEE INTERESTS IN*
25 *LAND.*—*The Secretary may acquire less than fee interests*

1 *in land only if the Secretary determines that such less than*
2 *fee acquisition will adequately protect the Monument from*
3 *flooding, erosion, and degradation of its drainage waters.*

4 **SEC. 5. ADMINISTRATION.**

5 The Secretary of the Interior, acting through the Di-
6 rector of the National Park Service, shall manage the na-
7 tional Monument, including lands added to the Monument
8 by this Act, in accordance with this Act and the provisions
9 of law generally applicable to units of National Park Sys-
10 tem, including the Act of ~~August 25~~, ~~an Act August 25~~,
11 *1916, an Act* to establish a National Park Service (39 Stat.
12 535; 16 U.S.C. 1 et seq.), and such specific legislation
13 as heretofore has been enacted regarding the Monument.

14 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

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

○

Calendar No. 350

105TH CONGRESS
2^D SESSION

S. 1132

[Report No. 178]

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