

103D CONGRESS
1ST SESSION

H. R. 38

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

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
5 conserve, protect, and restore the recreational, ecological,
6 cultural, religious, and wildlife resource values of the
7 Jemez Mountains, there is hereby established the Jemez
8 National Recreational Area (hereinafter in this Act re-
9 ferred to as the “recreation area”), to be administered by

1 the Secretary of Agriculture (hereinafter in this Act re-
2 ferred to as the “Secretary”).

3 (b) AREA INCLUDED.—The recreation area shall be
4 comprised of approximately 57,000 acres of lands and in-
5 terests in lands within the Santa Fe National Forest as
6 generally depicted on the map entitled “Jemez National
7 Recreation Area—Proposed” and dated September 1992.
8 The map shall be on file and available for public inspection
9 in the offices of the Chief of the Forest Service, Depart-
10 ment of Agriculture, Washington, District of Columbia.
11 The Secretary may from time to time make minor revi-
12 sions in the boundary of the recreation area to promote
13 management effectiveness and efficiency in furtherance of
14 the purposes of this Act.

15 (c) MAP AND DESCRIPTION.—As soon as practicable
16 after enactment of this Act, the Secretary shall file a map
17 and legal description of the recreation area with the Com-
18 mittee on Natural Resources of the House of Representa-
19 tives and with the Committee on Energy and Natural Re-
20 sources of the Senate. Each such map and description
21 shall have the same force and effect as if included in this
22 Act, except that correction of clerical and typographical
23 errors in such legal description and map may be made.
24 Each such map and legal description shall be on file and

1 available for public inspection in the Office of the Chief
2 of the Forest Service, Department of Agriculture.

3 **SEC. 2. ADMINISTRATION.**

4 (a) IN GENERAL.—The Secretary shall administer
5 the recreation area in accordance with this Act and the
6 laws, rules, and regulations applicable to National Forest
7 System lands in a manner that will further the purposes
8 of the recreation area. Management of the natural re-
9 sources within the recreation area shall be permitted only
10 to the extent that such management is compatible with
11 and does not impair the purposes for which the recreation
12 area is established. Recreational activities within the
13 recreation area shall include (but not be limited to) hiking,
14 camping, hunting, fishing, skiing, backpacking, rock
15 climbing, and swimming.

16 (b) MANAGEMENT PLAN.—The Secretary shall, no
17 later than 5 years after the enactment of this Act, develop
18 a management plan for the recreation area, as an amend-
19 ment to the Santa Fe National Forest Land and Resource
20 Management Plan, to reflect the establishment of the
21 recreation area and to conform to the provisions of this
22 Act. Nothing in this Act shall require the Secretary to re-
23 vise the Santa Fe Forest Land and Resource Management
24 Plan pursuant to section 6 of the Forest and Rangeland
25 Renewable Resources Planning Act of 1974. During devel-

1 opment of the management plan for the recreation area,
2 the Secretary shall study newly designated land within the
3 recreation area, and adjacent national forest land. The
4 Secretary shall, no later than 5 years after enactment of
5 this Act, submit recommendations with respect to future
6 boundaries for the recreation area.

7 (c) CULTURAL RESOURCES.—In administering the
8 recreation area, the Secretary shall give particular empha-
9 sis to the preservation, stabilization, and protection of cul-
10 tural resources located within the recreation area in fur-
11 therance of the Archaeological Resources Protection Act
12 of 1979 and the National Historic Preservation Act.

13 (d) NATIVE AMERICANS.—(1) In recognition of the
14 past use of portions of the recreation area by Indian peo-
15 ples for traditional cultural and religious purposes, the
16 Secretary shall protect religious and cultural sites and pro-
17 vide access from time to time to those sites by Indian peo-
18 ples for traditional cultural and religious purposes. Such
19 access shall be consistent with the purpose and intent of
20 the Act of August 11, 1978 (42 U.S.C. 1991) (commonly
21 referred to as the “American Indian Religious Freedom
22 Act”). The Secretary, in accordance with such Act, upon
23 request of an Indian tribe or pueblo, may from time to
24 time temporarily close to general public use one or more
25 specific portions of the recreational area in order to pro-

1 tect the privacy of religious activities and cultural uses in
2 such portion by Indian peoples. Any such closure shall be
3 made so as to affect the smallest practicable area for the
4 minimum period necessary for such purposes.

5 (2) In preparing and implementing management
6 plans for the recreation area, the Secretary shall request
7 that the Governor of the Pueblo of Jemez and the chief
8 executive officers of other appropriate Indian tribes and
9 pueblos make recommendations on methods of—

10 (A) assuring access to religious and cultural
11 sites;

12 (B) enhancing the privacy and continuity of
13 traditional cultural and religious activities in the
14 recreation area; and

15 (C) protecting traditional cultural and religious
16 sites in the recreation area.

17 (e) WILDLIFE RESOURCES.—In administering the
18 recreation area, the Secretary shall give particular empha-
19 sis to the conservation and protection of wildlife resources,
20 including species listed as sensitive by the United States
21 Forest Service, within the recreation area and shall com-
22 ply with applicable Federal and State laws relating to
23 wildlife, including the Endangered Species Act of 1973.

24 (f) HUNTING.—The Secretary shall permit hunting
25 and fishing on lands and waters under the jurisdiction of

1 the Secretary within the recreation area in accordance
2 with applicable Federal and State law. The Secretary may
3 designate zones where, and establish periods when, such
4 activities will not be permitted for reasons of public safety,
5 administration, fish and wildlife management, or public
6 use and enjoyment. Except in emergencies such designa-
7 tion by the Secretary under this subsection shall be put
8 into effect only after consultation with the appropriate
9 State agencies responsible for hunting and fishing activi-
10 ties.

11 (g) TIMBER HARVESTING.—The Secretary may per-
12 mit timber harvesting in the recreation area for commer-
13 cial purposes, including (but not limited to) vigas, latillas,
14 the gathering of fuelwood, and for purposes of public safe-
15 ty, recreation, wildlife, and administration, insofar as the
16 harvesting is compatible with the purposes of the recre-
17 ation area. Trees damaged or downed due to fire, disease,
18 or insect infestation may be utilized, salvaged, or removed
19 from the recreation area as authorized by the Secretary
20 in furtherance of the purposes of this Act. Nothing in this
21 Act shall be construed to affect the timber sales under
22 contract on the date of enactment of this Act. Nothing
23 in this Act shall be construed to effect the Los Griegos
24 timber sale in the Los Griegos Diversity Unit number
25 0322 as shown on the West Half Diversity Unit map of

1 the Santa Fe National Forest dated November 1991; ex-
2 cept that the Secretary shall manage such sale using un-
3 even aged management including the individual tree selec-
4 tion method.

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

10 (i) TRANSPORTATION PLAN.—(1) Within 1 year after
11 the date of enactment of this Act, the Secretary shall pre-
12 pare a transportation plan that provides for the most effi-
13 cient use of existing roads and trails to accomplish the
14 purposes of this Act. The plan shall provide for a com-
15 prehensive trails system that provides for dispersed recre-
16 ation while minimizing impact on significant archaeologi-
17 cal and religious sites.

18 (2) The Secretary shall construct, maintain, and close
19 roads within the recreation area only in accordance with
20 such plan.

21 (j) RECREATIONAL FACILITIES.—The Secretary shall
22 provide for recreational facilities within the recreation
23 area. Such facilities shall be constructed so as to minimize
24 impacts on scenic beauty and the natural character of the
25 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 for the purpose of providing for edu-
4 cation relating to the interpretation of cultural and natu-
5 ral resources of the recreation area.

6 (l) POWER TRANSMISSION LINES.—In accordance
7 with Federal and State laws and regulations, the Sec-
8 retary may permit a utility corridor for high power electric
9 transmission lines within the recreation area only when
10 the Secretary determines that—

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

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

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

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

19 (m) SCIENTIFIC INVESTIGATIONS.—The Secretary
20 may permit scientific investigations within the recreation
21 area upon the Secretary's determination that such inves-
22 tigation are in the public interest and are compatible with
23 the purposes of this Act.

1 **SEC. 3. ACQUISITION OF LAND.**

2 (a) IN GENERAL.—The Secretary is authorized to ac-
3 quire lands and interests therein within the boundaries of
4 the recreation area by donation, purchase with donated
5 or appropriated funds, or exchange. No lands or interests
6 therein may be acquired except with the consent of the
7 owner thereof.

8 (b) STATE LANDS.—Lands or interests therein
9 owned by the State of New Mexico or any political subdivi-
10 sion thereof may be acquired only by donation or ex-
11 change.

12 (c) OFFERS TO SELL.—The Secretary shall give
13 prompt and careful consideration to any offer made by any
14 person owning property within the boundaries of the recre-
15 ation area to sell such property.

16 (d) NO ADDITIONAL LANDS.—No lands or interests
17 therein outside of the boundaries of the recreation area
18 may be added to the recreation area without specific au-
19 thorization by Congress.

20 **SEC. 4. MINERALS AND MINING.**

21 (a) LIMITATION ON PATENT ISSUANCE.—(1) Not-
22 withstanding any other provision of law, no patents shall
23 be issued after the date of May 30, 1991 for any location
24 or claim made in the recreation area under the mining
25 laws of the United States.

1 (2) Notwithstanding any statute of limitations or
2 similar restriction otherwise applicable, any party claiming
3 to have been deprived of any property right by enactment
4 of paragraph (1) may file in the United States Claims
5 Court a claim against the United States within 1 year
6 after the date of enactment of this Act seeking compensa-
7 tion for such property right. The United States Claims
8 Court shall have jurisdiction to render judgment upon any
9 such claim in accordance with section 1491 of title 28,
10 United States Code.

11 (b) WITHDRAWAL.—Subject to valid existing rights,
12 after the date of enactment of this Act, lands within the
13 recreation area are withdrawn from location under the
14 general mining laws and from the operation of the mineral
15 leasing, geothermal leasing, and mineral material disposal
16 laws.

17 (c) RECLAMATION.—No mining activity involving any
18 surface disturbance of lands or waters within such area,
19 including disturbance through subsidence, shall be per-
20 mitted except in accordance with requirements imposed by
21 the Secretary, including requirements for reasonable rec-
22 lamation of disturbed lands to a visual and hydrological
23 condition as close as practical to their premining condi-
24 tion.

1 (d) MINING CLAIM VALIDITY REVIEW.—The Sec-
2 retary of Agriculture shall undertake and complete within
3 3 years after the date of enactment of this Act an expe-
4 dited program to examine all unpatented mining claims,
5 including those for which a patent application has been
6 filed, within the recreation area. Upon determination by
7 the Secretary of Agriculture that the elements of a contest
8 are present, the Secretary of the Interior shall imme-
9 diately determine the validity of such claims. If a claim
10 is determined to be invalid, the Secretary shall promptly
11 declare the claim to be null and void.

12 (e) PUBLIC PURPOSES.—The Secretary may utilize
13 mineral materials from within the recreation area for pub-
14 lic purposes such as maintenance and construction of
15 roads, trails, and facilities as long as such use is compat-
16 ible with the purposes of the recreation area.

17 **SEC. 5. ADJOINING LANDS.**

18 The Secretary may from time to time evaluate lands
19 adjoining the recreation area for possible inclusion in the
20 recreation area and make recommendations to Congress,
21 including (but not limited to) that area authorized for
22 study by section 5 of Public Law 101–556, known as the
23 Baca Location Number 1.

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

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

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