

103^D CONGRESS
1ST SESSION

H. R. 38

IN THE SENATE OF THE UNITED STATES

APRIL 22 (legislative Day, APRIL 19), 1993

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

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

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

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

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

3 (d) NO ADDITIONAL LANDS.—No lands or interests
4 therein outside of the boundaries of the recreation area
5 may be added to the recreation area without specific au-
6 thorization by Congress.

7 **SEC. 2. ADMINISTRATION.**

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

20 (b) MANAGEMENT PLAN.—The Secretary shall, no
21 later than 5 years after the enactment of this Act, develop
22 a management plan for the recreation area, as an amend-
23 ment to the Santa Fe National Forest Land and Resource
24 Management Plan, to reflect the establishment of the
25 recreation area and to conform to the provisions of this

1 Act. Nothing in this Act shall require the Secretary to re-
2 vise the Santa Fe Forest Land and Resource Management
3 Plan pursuant to section 6 of the Forest and Rangeland
4 Renewable Resources Planning Act of 1974. During devel-
5 opment of the management plan for the recreation area,
6 the Secretary shall study newly designated land within the
7 recreation area, and adjacent national forest land.

8 (c) CULTURAL RESOURCES.—In administering the
9 recreation area, the Secretary shall give particular empha-
10 sis to the preservation, stabilization, and protection of cul-
11 tural resources located within the recreation area in fur-
12 therance of the Archaeological Resources Protection Act
13 of 1979, the National Historic Preservation Act, and the
14 Act of August 11, 1978 (42 U.S.C. 1991) (commonly re-
15 ferred to as the “American Indian Religious Freedom
16 Act”).

17 (d) NATIVE AMERICANS.—(1) In recognition of the
18 historic use of portions of the recreation area by Indian
19 peoples for traditional cultural and religious purposes, the
20 Secretary shall, in consultation with local tribal leaders,
21 ensure the protection of religious and cultural sites and
22 provide access from time to time to those sites by Indian
23 peoples for traditional cultural and religious purposes.
24 Such access shall be consistent with the purpose and in-
25 tent of the Act of August 11, 1978 (42 U.S.C. 1991)

1 (commonly referred to as the “American Indian Religious
2 Freedom Act”). The Secretary, in accordance with such
3 Act, upon request of an Indian tribe or pueblo, may from
4 time to time temporarily close to general public use one
5 or more specific portions of the recreational area in order
6 to protect the privacy of religious activities and cultural
7 uses in such portion by Indian peoples. Any such closure
8 shall be made so as to affect the smallest practicable area
9 for the minimum period necessary for such purposes.

10 (2) In preparing and implementing management
11 plans for the recreation area, the Secretary shall request
12 that the Governor of the Pueblo of Jemez and the chief
13 executive officers of other appropriate Indian tribes and
14 pueblos make recommendations on methods of—

15 (A) assuring access to religious and cultural
16 sites;

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

20 (C) protecting traditional cultural and religious
21 sites in the recreation area.

22 (e) WILDLIFE RESOURCES.—In administering the
23 recreation area, the Secretary shall give particular empha-
24 sis to the conservation and protection of wildlife resources,
25 including species listed as sensitive by the Forest Service,

1 within the recreation area and shall comply with applicable
2 Federal and State laws relating to wildlife, including the
3 Endangered Species Act of 1973.

4 (f) HUNTING.—The Secretary shall permit hunting
5 and fishing on lands and waters under the jurisdiction of
6 the Secretary within the recreation area in accordance
7 with applicable Federal and State law. The Secretary may
8 designate zones where, and establish periods when, such
9 activities will not be permitted for reasons of public safety,
10 administration, fish and wildlife management, or public
11 use and enjoyment. Except in emergencies such designa-
12 tion by the Secretary under this subsection shall be put
13 into effect only after consultation with the appropriate
14 State agencies responsible for hunting and fishing activi-
15 ties.

16 (g) TIMBER HARVESTING.—The Secretary may per-
17 mit timber harvesting in the recreation area for commer-
18 cial purposes, including (but not limited to) vigas, latillas,
19 the gathering of fuelwood, and for purposes of public safe-
20 ty, recreation, wildlife, and administration, insofar as the
21 harvesting is compatible with the purposes of the recre-
22 ation area. Trees damaged or downed due to fire, disease,
23 or insect infestation may be utilized, salvaged, or removed
24 from the recreation area as authorized by the Secretary
25 in furtherance of the purposes of this Act. Nothing in this

1 Act shall be construed to affect the timber sales under
2 contract on the date of enactment of this Act. Nothing
3 in this Act shall be construed to effect the Los Griegos
4 timber sale in the Los Griegos Diversity Unit number
5 0322 as shown on the West Half Diversity Unit map of
6 the Santa Fe National Forest dated November 1991; ex-
7 cept that the Secretary shall manage such sale using un-
8 even aged management including the individual tree selec-
9 tion method.

10 (h) GRAZING.—The Secretary may permit grazing
11 within the recreation area in accordance with regulations
12 prescribed by the Secretary. Riparian areas shall be man-
13 aged in such a manner as to protect their important re-
14 source values.

15 (i) TRANSPORTATION PLAN.—(1) Within 1 year after
16 the date of enactment of this Act, the Secretary shall pre-
17 pare a transportation plan that provides for the most effi-
18 cient use of roads and trails to accomplish the purposes
19 of this Act. The plan shall provide for a comprehensive
20 trails system that provides for dispersed recreation while
21 minimizing impact on significant archaeological and reli-
22 gious sites.

23 (2) The Secretary shall construct, maintain, and close
24 roads within the recreation area after consultation with
25 local tribal leaders and only in accordance with such plan.

1 (j) RECREATIONAL FACILITIES.—The Secretary shall
2 provide for recreational facilities within the recreation
3 area. Such facilities shall be constructed so as to minimize
4 impacts on the scenic beauty, the natural character, and
5 the archaeological and religious sites of the recreation
6 area.

7 (k) VISITOR FACILITIES.—The Secretary shall estab-
8 lish a visitor center and interpretive facilities in or near
9 the recreation area for the purpose of providing for edu-
10 cation relating to the interpretation of cultural and natu-
11 ral resources of the recreation area.

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

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

19 (2) damage to the recreational and scenic qual-
20 ity and to the archaeological and religious sites of
21 the recreation area will not be significant;

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

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

1 (m) SCIENTIFIC INVESTIGATIONS.—The Secretary
2 may permit scientific investigations within the recreation
3 area upon the Secretary's determination that such inves-
4 tigations are in the public interest and are compatible with
5 the purposes of this Act.

6 **SEC. 3. MINERALS AND MINING.**

7 (a) LIMITATION ON PATENT ISSUANCE.—(1) Not-
8 withstanding any other provision of law, no patents shall
9 be issued after May 30, 1991, for any location or claim
10 made in the recreation area under the mining laws of the
11 United States.

12 (2) Notwithstanding any statute of limitations or
13 similar restriction otherwise applicable, any party claiming
14 to have been deprived of any property right by enactment
15 of paragraph (1) may file in the United States Claims
16 Court a claim against the United States within 1 year
17 after the date of enactment of this Act seeking compensa-
18 tion for such property right. The United States Claims
19 Court shall have jurisdiction to render judgment upon any
20 such claim in accordance with section 1491 of title 28,
21 United States Code.

22 (b) WITHDRAWAL.—Subject to valid existing rights,
23 after the date of enactment of this Act, lands within the
24 recreation area withdrawn from location under the general

1 mining laws and from the operation of the mineral leasing,
2 geothermal leasing, and mineral material disposal laws.

3 (c) RECLAMATION.—No mining activity involving any
4 surface disturbance of lands or waters within such area,
5 including disturbance through subsidence, shall be per-
6 mitted except in accordance with requirements imposed by
7 the Secretary, including requirements for reasonable rec-
8 lamation of disturbed lands to a visual and hydrological
9 condition as close as practical to their premining condi-
10 tion.

11 (d) MINING CLAIM VALIDITY REVIEW.—The Sec-
12 retary of Agriculture shall undertake and complete within
13 3 years after the date of enactment of this Act an expe-
14 dited program to examine all unpatented mining claims,
15 including those for which a patent application has been
16 filed, within the recreation area. Upon determination by
17 the Secretary of Agriculture that the elements of a contest
18 are present, the Secretary of the Interior shall imme-
19 diately determine the validity of such claims. If a claim
20 is determined to be invalid, the Secretary shall promptly
21 declare the claim to be null and void.

22 (e) PUBLIC PURPOSES.—The Secretary may utilize
23 mineral materials from within the recreation area for pub-
24 lic purposes such as maintenance and construction of

1 roads, trails, and facilities as long as such use is compat-
2 ible with the purposes of the recreation area.

3 **SEC. 4. ADJOINING LANDS.**

4 The Secretary may evaluate lands adjoining the
5 recreation area for possible inclusion in the recreation area
6 and make recommendations to Congress, including (but
7 not limited to) that area authorized for study by section
8 5 of Public Law 101–556 (104 Stat. 2764), known as the
9 Baca Location Number 1. The Secretary, in consultation
10 with local tribal leaders and the National Park Service,
11 shall, no later than 2 years after enactment of this Act,
12 submit recommendations with respect to future bound-
13 aries for the recreation area.

14 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

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

Passed the House of Representatives April 21, 1993.

Attest: DONNALD K. ANDERSON,
Clerk.