

Calendar No. 15

108TH CONGRESS
1ST SESSION

S. 210

[Report No. 108–7]

To provide for the protection of archaeological sites in the Galisteo Basin
in New Mexico, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 23, 2003

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

FEBRUARY 11, 2003

Reported by Mr. DOMENICI, without amendment

A BILL

To provide for the protection of archaeological sites in the
Galisteo Basin in 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 “Galisteo Basin Archae-
5 ological Sites Protection Act”.

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) FINDINGS.—The Congress finds that—

3 (1) the Galisteo Basin and surrounding area of
 4 New Mexico is the location of many well preserved
 5 prehistoric and historic archaeological resources of
 6 Native American and Spanish colonial cultures;

7 (2) these resources include the largest ruins of
 8 Pueblo Indian settlements in the United States,
 9 spectacular examples of Native American rock art,
 10 and ruins of Spanish colonial settlements; and

11 (3) these resources are being threatened by nat-
 12 ural causes, urban development, vandalism, and un-
 13 controlled excavations.

14 (b) PURPOSE.—The purpose of this Act is to provide
 15 for the preservation, protection, and interpretation of the
 16 nationally significant archaeological resources in the
 17 Galisteo Basin in New Mexico.

18 **SEC. 3. GALISTEO BASIN ARCHAEOLOGICAL PROTECTION**
 19 **SITES.**

20 (a) IN GENERAL.—The following archaeological sites
 21 located in the Galisteo Basin in the State of New Mexico,
 22 totaling approximately 4,591 acres, are hereby designated
 23 as Galisteo Basin Archaeological Protection Sites:

Name	Acres
Arroyo Hondo Pueblo	21
Burnt Corn Pueblo	110
Chamisa Locita Pueblo	16
Comanche Gap Petroglyphs	764

Name	Acres
Espinoso Ridge Site	160
La Cienega Pueblo & Petroglyphs	126
La Cienega Pithouse Village	179
La Cieneguilla Petroglyphs/Camino Real Site	531
La Cieneguilla Pueblo	11
Lamy Pueblo	30
Lamy Junction Site	80
Las Huertas	44
Pa'ako Pueblo	29
Petroglyph Hill	130
Pueblo Blanco	878
Pueblo Colorado	120
Pueblo Galisteo/Las Madres	133
Pueblo Largo	60
Pueblo She	120
Rote Chert Quarry	5
San Cristobal Pueblo	520
San Lazaro Pueblo	360
San Marcos Pueblo	152
Upper Arroyo Hondo Pueblo	12
Total Acreage	<hr/> 4,591

1 (b) AVAILABILITY OF MAPS.—The archaeological
2 protection sites listed in subsection (a) are generally de-
3 picted on a series of 19 maps entitled “Galisteo Basin Ar-
4 chaeological Protection Sites” and dated July, 2002. The
5 Secretary of the Interior (hereinafter referred to as the
6 “Secretary”) shall keep the maps on file and available for
7 public inspection in appropriate offices in New Mexico of
8 the Bureau of Land Management and the National Park
9 Service.

10 (c) BOUNDARY ADJUSTMENTS.—The Secretary may
11 make minor boundary adjustments to the archaeological
12 protection sites by publishing notice thereof in the Federal
13 Register.

14 **SEC. 4. ADDITIONAL SITES.**

15 (a) IN GENERAL.—The Secretary shall—

1 (1) continue to search for additional Native
2 American and Spanish colonial sites in the Galisteo
3 Basin area of New Mexico; and

4 (2) submit to Congress, within three years after
5 the date funds become available and thereafter as
6 needed, recommendations for additions to, deletions
7 from, and modifications of the boundaries of the list
8 of archaeological protection sites in section 3 of this
9 Act.

10 (b) ADDITIONS ONLY BY STATUTE.—Additions to or
11 deletions from the list in section 3 shall be made only by
12 an Act of Congress.

13 **SEC. 5. ADMINISTRATION.**

14 (a) IN GENERAL.—

15 (1) The Secretary shall administer archae-
16 ological protection sites located on Federal land in
17 accordance with the provisions of this Act, the Ar-
18 chaeological Resources Protection Act of 1979 (16
19 U.S.C. 470aa et seq.), the Native American Graves
20 Protection and Repatriation Act (25 U.S.C. 3001 et
21 seq.), and other applicable laws in a manner that
22 will protect, preserve, and maintain the archae-
23 ological resources and provide for research thereon.

24 (2) The Secretary shall have no authority to ad-
25 minister archaeological protection sites which are on

1 non-Federal lands except to the extent provided for
2 in a cooperative agreement entered into between the
3 Secretary and the landowner.

4 (3) Nothing in this Act shall be construed to
5 extend the authorities of the Archaeological Re-
6 sources Protection Act of 1979 or the Native Amer-
7 ican Graves Protection and Repatriation Act to pri-
8 vate lands which are designated as an archaeological
9 protection site.

10 (b) MANAGEMENT PLAN.—

11 (1) IN GENERAL.—Within three complete fiscal
12 years after the date funds are made available, the
13 Secretary shall prepare and transmit to the Com-
14 mittee on Energy and Natural Resources of the
15 United States Senate and the Committee on Natural
16 Resources of the United States House of Represent-
17 atives, a general management plan for the identifica-
18 tion, research, protection, and public interpretation
19 of—

20 (A) the archaeological protection sites lo-
21 cated on Federal land; and

22 (B) for sites on State or private lands for
23 which the Secretary has entered into coopera-
24 tive agreements pursuant to section 6 of this
25 Act.

1 (2) CONSULTATION.—The general management
2 plan shall be developed by the Secretary in consulta-
3 tion with the Governor of New Mexico, the New
4 Mexico State Land Commissioner, affected Native
5 American pueblos, and other interested parties.

6 **SEC. 6. COOPERATIVE AGREEMENTS.**

7 The Secretary is authorized to enter into cooperative
8 agreements with owners of non-Federal lands with regard
9 to an archaeological protection site, or portion thereof, lo-
10 cated on their property. The purpose of such an agreement
11 shall be to enable the Secretary to assist with the protec-
12 tion, preservation, maintenance, and administration of the
13 archaeological resources and associated lands. Where ap-
14 propriate, a cooperative agreement may also provide for
15 public interpretation of the site.

16 **SEC. 7. ACQUISITIONS.**

17 (a) IN GENERAL.—The Secretary is authorized to ac-
18 quire lands and interests therein within the boundaries of
19 the archaeological protection sites, including access there-
20 to, by donation, by purchase with donated or appropriated
21 funds, or by exchange.

22 (b) CONSENT OF OWNER REQUIRED.—The Secretary
23 may only acquire lands or interests therein with the con-
24 sent of the owner thereof.

1 (c) STATE LANDS.—The Secretary may acquire lands
2 or interests therein owned by the State of New Mexico
3 or a political subdivision thereof only by donation or ex-
4 change, except that State trust lands may only be acquired
5 by exchange.

6 **SEC. 8. WITHDRAWAL.**

7 Subject to valid existing rights, all Federal lands
8 within the archaeological protection sites are hereby with-
9 drawn—

10 (1) from all forms of entry, appropriation, or
11 disposal under the public land laws and all amend-
12 ments thereto;

13 (2) from location, entry, and patent under the
14 mining law and all amendments thereto; and

15 (3) from disposition under all laws relating to
16 mineral and geothermal leasing, and all amendments
17 thereto.

18 **SEC. 9. SAVINGS PROVISIONS.**

19 Nothing in this Act shall be construed—

20 (1) to authorize the regulation of privately
21 owned lands within an area designated as an archae-
22 ological protection site;

23 (2) to modify, enlarge, or diminish any author-
24 ity of Federal, State, or local governments to regu-
25 late any use of privately owned lands;

1 (3) to modify, enlarge, or diminish any author-
2 ity of Federal, State, tribal, or local governments to
3 manage or regulate any use of land as provided for
4 by law or regulation; or

5 (4) to restrict or limit a tribe from protecting
6 cultural or religious sites on tribal lands.

7 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

8 There is authorized to be appropriated such sums as
9 may be necessary to carry out this Act.

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