

Union Calendar No. 394

110TH CONGRESS
2^D SESSION

H. R. 3930

[Report No. 110-632]

To provide for a land exchange involving State land and Bureau of Land Management land in Chavez and Dona Ana Counties, New Mexico, and to establish the Lesser Prairie Chicken National Habitat Preservation Area, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 23, 2007

Mr. PEARCE introduced the following bill; which was referred to the Committee on Natural Resources

MAY 13, 2008

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on October 23, 2007]

A BILL

To provide for a land exchange involving State land and Bureau of Land Management land in Chavez and Dona Ana Counties, New Mexico, and to establish the Lesser Prairie Chicken National Habitat Preservation Area, 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 “Lesser Prairie Chicken*
5 *National Habitat Preservation Area Act of 2008”.*

6 **SEC. 2. DEFINITIONS.**

7 *In this Act:*

8 (1) *STATE LAND.*—*The term “State land” means*
9 *the approximately 13,236 acres of State land, as de-*
10 *scribed on the map.*

11 (2) *MAP.*—*The term “map” means the map ti-*
12 *tled “Lesser Prairie Chicken National Habitat Preser-*
13 *vation Area and Land Exchange” and dated April*
14 *30, 2008.*

15 (3) *FEDERAL LAND.*—*The term “Federal land”*
16 *means the land administered by the Secretary con-*
17 *sisting of approximately 7,718 acres as depicted on*
18 *the map.*

19 (4) *SECRETARY.*—*The term “Secretary” means*
20 *the Secretary of the Interior.*

21 (5) *STATE.*—*The term “State” means the State*
22 *of New Mexico.*

23 (6) *COUNTY.*—*The term “County” means the*
24 *County of Chaves.*

1 (7) *PRESERVATION AREA.*—*The term “Preserva-*
2 *tion Area” means the Lesser Prairie Chicken Na-*
3 *tional Habitat Preservation Area.*

4 **SEC. 3. LAND EXCHANGE.**

5 (a) *IN GENERAL.*—*The Secretary may convey to the*
6 *State all right, title, and interest of the United States in*
7 *and to the Federal land.*

8 (b) *CONSIDERATION.*—*As consideration for the convey-*
9 *ance of the Federal land under subsection (a), the State*
10 *shall convey to the United States all right, title, and interest*
11 *of the State in and to the State land.*

12 (c) *INTERESTS INCLUDED IN EXCHANGE.*—*Subject to*
13 *valid existing rights, the land exchange under this Act shall*
14 *include the conveyance of all surface, subsurface, mineral,*
15 *and water rights to the Federal land and State land.*

16 (d) *COMPLIANCE WITH FEDERAL LAND POLICY AND*
17 *MANAGEMENT ACT.*—*The Secretary shall carry out the land*
18 *exchange under this Act in accordance with section 206 of*
19 *the Federal Land Policy and Management Act of 1976 (43*
20 *U.S.C. 1716) and other applicable laws.*

21 (e) *NO AMENDMENT TO MANAGEMENT PLAN RE-*
22 *QUIRED.*—*The exchange of Federal land and State land*
23 *shall not require an amendment to the Mimbres Resource*
24 *Management Plan.*

1 (f) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
2 *retary may require such additional terms and conditions*
3 *for the land exchange as the Secretary considers to be ap-*
4 *propriate to protect the interests of the United States.*

5 **SEC. 4. LESSER PRAIRIE CHICKEN NATIONAL HABITAT**
6 **PRESERVATION AREA.**

7 (a) *ESTABLISHMENT; PURPOSES.*—*There is estab-*
8 *lished in the County the Lesser Prairie Chicken National*
9 *Habitat Preservation Area to protect, conserve, and enhance*
10 *habitat for the Lesser Prairie Chicken.*

11 (b) *BOUNDARIES.*—*The Preservation Area shall consist*
12 *of approximately 28,168 acres of public land and 9,402*
13 *acres of land acquired under section 3 of this Act, as gen-*
14 *erally depicted on the map.*

15 (c) *MAPS AND LEGAL DESCRIPTION.*—

16 (1) *IN GENERAL.*—*Not later than 30 days after*
17 *the date of the enactment of this Act, the Secretary*
18 *shall submit to Congress a map and legal description*
19 *of the Preservation Area.*

20 (2) *FORCE AND EFFECT.*—*The map and legal de-*
21 *scription submitted under paragraph (1) shall have*
22 *the same force and effect as if included in this Act,*
23 *except that the Secretary may correct clerical and ty-*
24 *pographical errors in the map and legal description.*

1 (3) *PUBLIC AVAILABILITY.*—Copies of the map
2 and legal description submitted under paragraph (1)
3 shall be on file and available for public inspection
4 in—

5 (A) *the Office of the Director of the Bureau*
6 *of Land Management;*

7 (B) *the Office of the State Director;*

8 (C) *the Office of the Pecos District Manager*
9 *of the Bureau of Land Management; and*

10 (D) *the Office of the County Clerk in*
11 *Roswell, New Mexico.*

12 **SEC. 5. MANAGEMENT OF THE PRESERVATION AREA.**

13 (a) *IN GENERAL.*—The Secretary shall manage the
14 *Preservation Area—*

15 (1) *in a manner that protects, conserves, and en-*
16 *hances the habitat for the Lesser Prairie Chicken; and*

17 (2) *in accordance with—*

18 (A) *this Act;*

19 (B) *the Federal Land Policy and Manage-*
20 *ment Act of 1976 (43 U.S.C. 1701 et seq.); and*

21 (C) *any other applicable laws.*

22 (b) *USES.*—

23 (1) *IN GENERAL.*—The Secretary shall allow
24 *only uses of the Preservation Area that the Secretary*

1 *determines will further the purposes for which the*
2 *Preservation Area is established.*

3 (2) *USE OF MOTORIZED VEHICLES.—Except as*
4 *needed for administrative purposes or to respond to*
5 *an emergency, the use of motorized vehicles or mecha-*
6 *nized transport in the Preservation Area shall be al-*
7 *lowed only on roads and trails designated for vehic-*
8 *ular use under the management plan so long as such*
9 *use is in conformance with the purposes of this Act.*

10 (c) *WITHDRAWALS.—Subject to valid existing rights,*
11 *all land managed by the Bureau of Land Management*
12 *within the Preservation Area and any land and interests*
13 *in land acquired for the Preservation Area by the United*
14 *States after the date of the enactment of this Act are with-*
15 *drawn from—*

16 (1) *all forms of entry, appropriation, or disposal*
17 *under the public land laws;*

18 (2) *location, entry, and patent under the mining*
19 *laws; and*

20 (3) *disposal under the mineral leasing, mineral*
21 *materials, and geothermal leasing laws.*

22 (d) *HUNTING AND TRAPPING.—*

23 (1) *IN GENERAL.—Subject to paragraph (2),*
24 *hunting and trapping shall be allowed in the Preser-*

1 *vation Area to the extent consistent with the protec-*
2 *tion and conservation of the Lesser Prairie Chicken.*

3 (2) *LIMITATIONS.—*

4 (A) *REGULATIONS.—The Secretary may*
5 *designate by regulation areas in which, and es-*
6 *tablish periods during which, for reasons of pub-*
7 *lic safety, administration, or compliance with*
8 *applicable laws, no hunting or trapping will be*
9 *permitted in the Preservation Area.*

10 (B) *CONSULTATION.—Except in emer-*
11 *gencies, the Secretary shall consult with the ap-*
12 *propriate State agency before promulgating reg-*
13 *ulations under subparagraph (A) that close a*
14 *portion of the Preservation Area to hunting and*
15 *trapping.*

16 (e) *GRAZING.—The Secretary may allow grazing solely*
17 *for the purpose of vegetative management to enhance Lesser*
18 *Prairie Chicken habitat.*

19 (f) *ACTIVITIES OUTSIDE PRESERVATION AREA.—The*
20 *fact that an activity or use of land is not permitted on*
21 *land within the Preservation Area shall not preclude the*
22 *activity or use outside the boundary of the Preservation*
23 *Area or on private land within the Preservation Area, con-*
24 *sistent with other applicable law.*

25 (g) *ACQUISITION OF LAND.—*

1 (1) *IN GENERAL.*—*The Secretary may acquire*
2 *land in the Preservation Area only—*

3 (A) *from a willing seller; and*

4 (B) *through purchase, exchange, or dona-*
5 *tion.*

6 (2) *MANAGEMENT.*—*Land acquired under para-*
7 *graph (1) shall be managed as part of the Preserva-*
8 *tion Area in accordance with this Act.*

9 (h) *INTERPRETATIVE SITES.*—*The Secretary may es-*
10 *tablish sites in the Preservation Area to permit the interpre-*
11 *tation of the historical, cultural, scientific, archaeological,*
12 *natural, and education resources of the Preservation Area.*

13 **SEC. 6. MANAGEMENT PLAN.**

14 (a) *IN GENERAL.*—*Not later than 1 year after the date*
15 *of the enactment of this Act, the Secretary shall develop a*
16 *comprehensive plan for the long-range protection and man-*
17 *agement of the Preservation Area.*

18 (b) *CONTENTS.*—*The management plan shall—*

19 (1) *describe the appropriate uses and manage-*
20 *ment of the Preservation Area in accordance with—*

21 (A) *this Act;*

22 (B) *the Federal Land Policy and Manage-*
23 *ment Act of 1976 (43 U.S.C. 1701 et seq.); and*

24 (C) *other applicable laws;*

1 (2) *incorporate, as appropriate, decisions in any*
2 *other management or activity plan for the land with-*
3 *in or adjacent to the Preservation Area; and*

4 (3) *take into consideration—*

5 (A) *any information developed in studies of*
6 *the land within or adjacent to the Preservation*
7 *Area; and*

8 (B) *the historical involvement of the local*
9 *community in the interpretation and protection*
10 *of the resources of the Preservation Area.*

Amend the title so as to read: “A bill to provide for a land exchange involving State land and Bureau of Land Management land in Chaves and Dona Ana Counties, New Mexico, and to establish the Lesser Prairie Chicken National Habitat Preservation Area, and for other purposes.”.

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