

111TH CONGRESS
2D SESSION

H. R. 5388

To expand the boundaries of the Cibola National Forest in the State of
New Mexico.

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2010

Mr. HEINRICH (for himself and Mr. LUJÁN) introduced the following bill;
which was referred to the Committee on Natural Resources

A BILL

To expand the boundaries of the Cibola National Forest
in the State of New Mexico.

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. CIBOLA NATIONAL FOREST BOUNDARY EXPAN-**
4 **SION.**

5 (a) BOUNDARY EXPANSION.—The boundaries of
6 Cibola National Forest, located in the State of New Mex-
7 ico, are modified to include the land depicted for such in-
8 clusion on—

1 (1) the Forest Service map titled “Crest of
2 Montezuma Proposed Land Transfer”, dated Octo-
3 ber 26, 2009; and

4 (2) the Bureau of Land Management map titled
5 “Manzano Wilderness Study Area”, dated August
6 13, 2009.

7 (b) AVAILABILITY AND CORRECTION.—The maps re-
8 ferred to in subsection (a) shall be on file and available
9 for public inspection in the appropriate offices of the For-
10 est Service. The Chief of the Forest Service may make
11 minor corrections to the maps.

12 (c) LAND ACQUISITION.—Subject to the appropria-
13 tion of funds to carry out this section and the consent
14 of the owner of private land included within the bound-
15 aries of Cibola National Forest by subsection (a), the Sec-
16 retary of Agriculture may acquire the private land.

17 (d) TRANSFER OF JURISDICTION.—The Secretary of
18 the Interior shall transfer, without reimbursement, to the
19 Chief of the Forest Service administrative jurisdiction over
20 any land under the jurisdiction of the Secretary that is
21 depicted on the maps referred to in subsection (a).

22 (e) MANAGEMENT OF ACQUIRED LAND.—

23 (1) IN GENERAL.—Any federally owned lands
24 that have been or hereafter may be acquired for Na-
25 tional Forest System purposes within the boundaries

1 of the Cibola National Forest, as modified by sub-
2 section (a), shall be managed as lands acquired
3 under the Act of March 1, 1911 (commonly known
4 as the Weeks Act; 16 U.S.C. 515 et seq.), and in ac-
5 cordance with the other laws and regulations per-
6 taining to the National Forest System.

7 (2) TREATMENT OF MANZANO WILDERNESS
8 STUDY AREA.—Upon its acquisition by the Forest
9 Service, land depicted on the map referred to in sub-
10 section (a)(2) shall be—

11 (A) designated as wilderness;

12 (B) added to the Manzano Mountain Wil-
13 derness designated by section 2(f) of the En-
14 dangered American Wilderness Act of 1978
15 (Public Law 95–237; 92 Stat. 42; 16 U.S.C.
16 1132 note); and

17 (C) administered in accordance with Wil-
18 derness Act (16 U.S.C. 1131 et seq.).

19 (f) FIRST RIGHT OF REFUSAL FOR ANY DISPOSAL
20 OF LAND.—

21 (1) CREST OF MONTEZUMA.—

22 (A) TO LAND GRANT-MERCED.—If land de-
23 picted on the map referred to in subsection
24 (a)(1) is acquired by the Forest Service, but is
25 subsequently determined to be surplus to the

1 needs of the Federal Government, the Adminis-
2 trator of General Services shall extend a first
3 right of refusal to purchase the surplus land to
4 the San Antonio de Las Huertas Land Grant.

5 (B) EXCEPTION FOR TRIBAL CLAIMS.—If
6 the Forest Service determines, after consulta-
7 tion with an Indian tribe claiming an historical
8 interest in a parcel of land otherwise subject to
9 subparagraph (A), that the Indian tribe has
10 such an historical interest in the parcel, the Ad-
11 ministrator of General Services shall extend the
12 first right of refusal first to the Indian tribe
13 and then to the San Antonio de Las Huertas
14 Land Grant.

15 (2) MANZANO WILDERNESS STUDY AREA.—

16 (A) TO LAND GRANT-MERCED.—If land de-
17 picted on the map referred to in subsection
18 (a)(2) is acquired by the Forest Service, but is
19 subsequently determined to be surplus to the
20 needs of the Federal Government, the Adminis-
21 trator of General Services shall extend a first
22 right of refusal to purchase the surplus land to
23 the Tomé Land Grant.

24 (B) EXCEPTION FOR TRIBAL CLAIMS.—If
25 the Forest Service determines, after consulta-

1 tion with an Indian tribe claiming an historical
2 interest in a parcel of land otherwise subject to
3 subparagraph (A), that the Indian tribe has
4 such an historical interest in the parcel, the Ad-
5 ministrators of General Services shall extend the
6 first right of refusal first to the Indian tribe
7 and then to the Tomé Land Grant.

8 (3) DURATION OF RIGHT.—A first right of re-
9 fusal extended under paragraph (1) or (2) must be
10 exercised within 180 days after the date on which
11 the land grant-merced or Indian tribe, as the case
12 may be, received notice of the availability of the
13 land.

14 (4) CONSIDERATION.—To exercise the first
15 right of refusal extended under paragraph (1) or (2)
16 with regard to a particular parcel of land, the land
17 grant-merced or Indian tribe holding the right under
18 such paragraph shall provide for the payment of
19 consideration in an amount that is equal to the fair
20 market value of the land, as determined by the Ad-
21 ministrators of General Services. The consideration
22 may in cash or in kind, with the approval of the Ad-
23 ministrators of General Services.

24 (g) WITHDRAWAL FROM MINING AND CERTAIN
25 OTHER USES.—The land depicted on the map referred to

1 in subsection (a)(1) and acquired by the Forest Service
 2 is hereby withdrawn from—

3 (1) all forms of entry, appropriation, or disposal
 4 under the public land laws;

5 (2) location, entry, and patent under the public
 6 land mining laws; and

7 (3) operation of the mineral leasing and geo-
 8 thermal leasing laws and the mineral materials laws.

9 (h) ACCESS TO COMMUNITY OPERATED WATERWAYS
 10 USED FOR IRRIGATION.—The Secretary of Agriculture
 11 shall grant access to Las Placitas Acequia Association and
 12 San Antonio de Las Huertas Acequia Association to main-
 13 tain those acequias located within the Cibola National
 14 Forest, as expanded by this section, that were in use prior
 15 to the addition of the land to the National Forest System.
 16 For acequias located within the Sandia Mountain Wilder-
 17 ness, maintenance activities shall be conducted in a man-
 18 ner consistent with laws applicable to the wilderness.

19 (i) RELATION TO LAND AND WATER CONSERVATION
 20 FUND ACT.—For purposes of section 7 of the Land and
 21 Water Conservation Fund Act of 1965 (16 U.S.C. 4601–
 22 9), the boundaries of the Cibola National Forest, as modi-
 23 fied by subsection (a), shall be considered to be boundaries
 24 of the Cibola National Forest as of January 1, 1965.

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