

118TH CONGRESS
1ST SESSION

S. 3033

To withdraw certain Federal land in the Pecos Watershed area of the State of New Mexico from mineral entry, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 4, 2023

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

A BILL

To withdraw certain Federal land in the Pecos Watershed area of the State of New Mexico from mineral entry, 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 “Pecos Watershed Pro-
5 tection Act”.

6 **SEC. 2. WITHDRAWAL OF FEDERAL LAND IN PECOS WATER-**
7 **SHED AREA, NEW MEXICO.**

8 (a) DEFINITION OF FEDERAL LAND.—In this sec-
9 tion, the term “Federal land” means the Federal land de-

1 picted as “Pecos Withdrawal” on the map entitled “Pro-
 2 posed Mineral Withdrawal Legislative Map” and dated
 3 September 11, 2023.

4 (b) WITHDRAWAL.—Subject to valid rights in exist-
 5 ence on the date of enactment of this Act, the Federal
 6 land is withdrawn from all forms of—

7 (1) entry, appropriation, or disposal under the
 8 public land laws;

9 (2) location, entry, and patent under the mining
 10 laws; and

11 (3) disposition under all laws pertaining to min-
 12 eral and geothermal leasing or mineral materials.

13 **SEC. 3. DESIGNATION OF THOMPSON PEAK WILDERNESS**
 14 **AREA, NEW MEXICO.**

15 (a) DEFINITIONS.—In this section:

16 (1) SECRETARY.—The term “Secretary” means
 17 the Secretary of Agriculture.

18 (2) STATE.—The term “State” means the State
 19 of New Mexico.

20 (3) WILDERNESS AREA.—The term “wilderness
 21 area” means the Thompson Peak Wilderness Area
 22 designated by subsection (b).

23 (b) DESIGNATION.—In accordance with the Wilder-
 24 ness Act (16 U.S.C. 1131 et seq.), the approximately
 25 11,599 acres of land managed by the Forest Service in

1 the State, as generally depicted on the map entitled “Pro-
 2 posed Mineral Withdrawal Legislative Map” and dated
 3 September 11, 2023, is designated as a wilderness area
 4 and as a component of the National Wilderness Preserva-
 5 tion System, to be known as the “Thompson Peak Wilder-
 6 ness Area”.

7 (c) MAP AND LEGAL DESCRIPTION.—

8 (1) IN GENERAL.—As soon as practicable after
 9 the date of enactment of this Act, the Secretary
 10 shall file a map and legal description of the wilder-
 11 ness area with—

12 (A) the Committee on Energy and Natural
 13 Resources of the Senate; and

14 (B) the Committee on Natural Resources
 15 of the House of Representatives.

16 (2) EFFECT.—The map and legal description
 17 filed under paragraph (1) shall have the same force
 18 and effect as if included in this Act, except that the
 19 Secretary may correct clerical and typographical er-
 20 rors in the map and legal description.

21 (3) AVAILABILITY.—The map and legal descrip-
 22 tion filed under paragraph (1) shall be on file and
 23 available for public inspection in the Office of the
 24 Chief of the Forest Service.

25 (d) ADMINISTRATION.—

1 (1) IN GENERAL.—Subject to valid existing
2 rights, the wilderness area shall be administered by
3 the Secretary in accordance with the Wilderness Act
4 (16 U.S.C. 1131 et seq.), except that any reference
5 in that Act to the effective date of that Act shall be
6 considered to be a reference to the date of enact-
7 ment of this Act.

8 (2) ADJACENT MANAGEMENT.—

9 (A) NO PROTECTIVE PERIMETERS OR
10 BUFFER ZONES.—Congress does not intend for
11 the designation of the wilderness area to create
12 a protective perimeter or buffer zone around
13 the wilderness area.

14 (B) NONWILDERNESS ACTIVITIES.—The
15 fact that nonwilderness activities or uses out-
16 side of the wilderness area can be seen or heard
17 from an area within the wilderness area shall
18 not preclude the conduct of the nonwilderness
19 activities or uses outside the boundaries of the
20 wilderness area.

21 (3) FISH AND WILDLIFE MANAGEMENT.—In ac-
22 cordance with section 4(d)(7) of the Wilderness Act
23 (16 U.S.C. 1133(d)(7)), nothing in this section af-
24 fects the jurisdiction or responsibilities of the State
25 with respect to fish and wildlife management in the

1 wilderness area (including the regulation of hunting,
2 fishing, and trapping).

3 (4) GRAZING.—The Secretary shall allow the
4 continuation of the grazing of livestock in the wilder-
5 ness area, if established before the date of enact-
6 ment of this Act, in accordance with—

7 (A) section 4(d)(4) of the Wilderness Act
8 (16 U.S.C. 1133(d)(4)); and

9 (B) the guidelines set forth in Appendix A
10 of the report of the Committee on Interior and
11 Insular Affairs of the House of Representatives
12 accompanying H.R. 2570 of the 101st Congress
13 (H. Rept. 101–405).

14 (5) WILDFIRE, INSECT, AND DISEASE CON-
15 TROL.—The Secretary may carry out measures in
16 the wilderness area that the Secretary determines to
17 be necessary to control fire, insects, or diseases, in
18 accordance with section 4(d)(1) of the Wilderness
19 Act (16 U.S.C. 1133(d)(1)).

20 (e) INCORPORATION OF ACQUIRED LAND AND INTER-
21 ESTS IN LAND.—Any land or interest in land within the
22 boundaries of the wilderness area that is acquired by the
23 United States after the date of enactment of this Act shall
24 be added to and administered as part of the wilderness
25 area.

1 (f) WITHDRAWAL.—Subject to valid existing rights,
2 the wilderness area is withdrawn from—

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

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

7 (3) disposition under all laws relating to min-
8 eral and geothermal leasing or mineral materials.

○