

Public Law 103-104
103d Congress

An Act

To establish the Jemez National Recreation Area in the State of New Mexico,
and for other purposes.

Oct. 12, 1993
[H.R. 38]

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

Conservation.
Environmental
protection.
16 USC 460jjj.

SECTION 1. ESTABLISHMENT.

(a) **PURPOSE AND ESTABLISHMENT.**—In order to conserve, protect, and restore the recreational, ecological, cultural, religious, and wildlife resource values of the Jemez Mountains, there is hereby established the Jemez National Recreational Area (hereinafter in this Act referred to as the “recreation area”), to be administered by the Secretary of Agriculture (hereinafter in this Act referred to as the “Secretary”).

(b) **AREA INCLUDED.**—The recreation area shall be comprised of approximately 57,000 acres of lands and interests in lands within the Santa Fe National Forest as generally depicted on the map entitled “Jemez National Recreation Area—Proposed” and dated September 1992. The map shall be on file and available for public inspection in the offices of the Chief of the Forest Service, Department of Agriculture, Washington, District of Columbia. The Secretary may from time to time, in consultation with local tribal leaders, make minor revisions in the boundary of the recreation area to promote management effectiveness and efficiency in furtherance of the purposes of this Act.

(c) **MAP AND DESCRIPTION.**—As soon as practicable after enactment of this Act, the Secretary shall file a map and legal description of the recreation area with the Committee on Natural Resources of the House of Representatives and with the Committee on Energy and Natural Resources and the Select Committee on Indian Affairs of the Senate. Such map and legal description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such legal description and map may be made. Such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

(d) **NO ADDITIONAL LANDS.**—No lands or interests therein outside of the boundaries of the recreation area may be added to the recreation area without specific authorization by Congress.

SEC. 2. ADMINISTRATION.

16 USC 460jjj-1.

(a) **IN GENERAL.**—The Secretary shall administer the recreation area in accordance with this Act and the laws, rules, and regulations applicable to National Forest System lands in a manner that will further the purposes of the recreation area. Management of the

natural resources within the recreation area shall be permitted only to the extent that such management is compatible with and does not impair the purposes for which the recreation area is established. Recreational activities within the recreation area shall include (but not be limited to) hiking, camping, hunting, fishing, skiing, backpacking, rock climbing, and swimming.

(b) **MANAGEMENT PLAN.**—The Secretary shall, no later than 5 years after the enactment of this Act, develop a management plan for the recreation area, as an amendment to the Santa Fe National Forest Land and Resource Management Plan, to reflect the establishment of the recreation area and to conform to the provisions of this Act. Nothing in this Act shall require the Secretary to revise the Santa Fe Forest Land and Resource Management Plan pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974. During development of the management plan for the recreation area, the Secretary shall study newly designated land within the recreation area, and adjacent national forest land.

(c) **CULTURAL RESOURCES.**—In administering the recreation area, the Secretary shall give particular emphasis to the preservation, stabilization, and protection of cultural resources located within the recreation area in furtherance of the Archaeological Resources Protection Act of 1979, the National Historic Preservation Act, and the Act of August 11, 1978 (42 U.S.C. 1991) (commonly referred to as the "American Indian Religious Freedom Act").

(d) **NATIVE AMERICANS.**—(1) In recognition of the historic use of portions of the recreation area by Indian peoples for traditional cultural and customary uses, the Secretary shall, subject to the provisions of section 2(n) in consultation with local tribal leaders, ensure the protection of religious and cultural sites and provide access from time to time to those sites by Indian peoples for traditional cultural and customary uses. Such access shall be consistent with the purpose and intent of the Act of August 11, 1978 (42 U.S.C. 1991) (commonly referred to as the "American Indian Religious Freedom Act"). The Secretary, in accordance with such Act, upon request of an Indian tribe or pueblo, may from time to time temporarily close to general public use one or more specific portions of the recreational area in order to protect traditional and customary uses in such portions by Indian peoples.

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

- (A) assuring access to religious and cultural sites;
- (B) enhancing the privacy and continuity of traditional cultural and religious activities in the recreation area; and
- (C) protecting traditional cultural and religious sites in the recreation area.

(e) **WILDLIFE RESOURCES.**—In administering the recreation area, the Secretary shall give particular emphasis to the conservation and protection of wildlife resources, including species listed as sensitive by the Forest Service, within the recreation area and shall comply with applicable Federal and State laws relating to wildlife, including the Endangered Species Act of 1973.

(f) **HUNTING.**—The Secretary shall permit hunting and fishing on lands and waters under the jurisdiction of the Secretary within

the recreation area in accordance with applicable Federal and State law.

(g) **TIMBER HARVESTING.**—The Secretary may permit timber harvesting in the recreation area for commercial purposes, including (but not limited to) vigas, latillas, the gathering of fuelwood, and for purposes of public safety, recreation, wildlife, and administration, insofar as the harvesting is compatible with the purposes of the recreation area. Trees damaged or downed due to fire, disease, or insect infestation may be utilized, salvaged, or removed from the recreation area as authorized by the Secretary in furtherance of the purposes of this Act. Nothing in this Act shall be construed to affect the timber sales under contract on the date of enactment of this Act. Nothing in this Act shall be construed to effect the Los Griegos timber sale in the Los Griegos Diversity Unit number 0322 as shown on the West Half Diversity Unit map of the Santa Fe National Forest dated November 1991; except that the Secretary shall manage such sale using uneven aged management including the individual tree selection method.

(h) **GRAZING.**—The Secretary may permit grazing within the recreation area in accordance with regulations prescribed by the Secretary. Riparian areas shall be managed in such a manner as to protect their important resource values.

(i) **TRANSPORTATION PLAN.**—(1) Within 1 year after the date of enactment of this Act, the Secretary shall prepare a transportation plan that provides for the most efficient use of roads and trails to accomplish the purposes of this Act. The plan shall provide for a comprehensive trails system that provides for dispersed recreation while minimizing impact on significant archaeological and religious sites.

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

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

(k) **VISITOR FACILITIES.**—The Secretary shall establish a visitor center and interpretive facilities in or near the recreation area for the purpose of providing for education relating to the interpretation of cultural and natural resources of the recreation area.

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

(1) there is not a feasible alternative for the location of such corridor;

(2) damage to the recreational and scenic quality and to the archaeological and religious sites of the recreation area will not be significant;

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

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

(m) **SCIENTIFIC INVESTIGATIONS.**—The Secretary may permit scientific investigations within the recreation area upon the Sec-

retary's determination that such investigations are in the public interest and are compatible with the purposes of this Act.

(n) **RESOURCE PROTECTION.**—The Secretary may designate zones where, and establish periods when, any activity otherwise permitted in the recreation area will not be permitted for reasons of public safety, administration, fish and wildlife management, protection of archaeological or cultural resources, or public use and enjoyment. Except in emergencies such designations by the Secretary shall be put into effect only after consultation with the appropriate State agencies, appropriate tribal leaders, and other affected parties.

16 USC 460jjj-2.

SEC. 3. MINERALS AND MINING.

(a) **LIMITATION ON PATENT ISSUANCE.**—(1) Notwithstanding any other provision of law, no patents shall be issued after May 30, 1991, for any location or claim made in the recreation area under the mining laws of the United States.

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

(b) **WITHDRAWAL.**—Subject to valid existing rights, after the date of enactment of this Act, lands within the recreation area withdrawn from location under the general mining laws and from the operation of the mineral leasing, geothermal leasing, and mineral material disposal laws.

(c) **RECLAMATION.**—No mining activity involving any surface disturbance of lands or waters within such area, including disturbance through subsidence, shall be permitted except in accordance with requirements imposed by the Secretary, including requirements for reasonable reclamation of disturbed lands to a visual and hydrological condition as close as practical to their premining condition.

(d) **MINING CLAIM VALIDITY REVIEW.**—The Secretary of Agriculture shall undertake and complete within 3 years after the date of enactment of this Act an expedited program to examine all unpatented mining claims, including those for which a patent application has been filed, within the recreation area. Upon determination by the Secretary of Agriculture that the elements of a contest are present, the Secretary of the Interior shall immediately determine the validity of such claims. If a claim is determined to be invalid, the Secretary shall promptly declare the claim to be null and void.

(e) **PUBLIC PURPOSES.**—The Secretary may utilize mineral materials from within the recreation area for public purposes such as maintenance and construction of roads, trails, and facilities as long as such use is compatible with the purposes of the recreation area.

16 USC 460jjj-3.

SEC. 4. ADJOINING LANDS.

The Secretary may evaluate lands adjoining the recreation area for possible inclusion in the recreation area and make recommendations to Congress, including (but not limited to) that area

authorized for study by section 5 of Public Law 101-556 (104 Stat. 2764), known as the Baca Location Number 1. The Secretary, in consultation with local tribal leaders and the National Park Service, shall, no later than 2 years after enactment of this Act, submit recommendations with respect to future boundaries for the recreation area.

SEC. 5. ACQUISITION OF LAND.

16 USC 460jjj-4.

(a) **STATE LAND.**—Land and interests in land within the boundaries of the recreation area that are owned by the State of New Mexico, or a political subdivision of New Mexico, may be acquired only by donation or exchange.

(b) **OFFERS TO SELL.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the Secretary may acquire land and interests in land within the boundaries of the recreation area by donation, purchase with donated or appropriated funds, or exchange.

(2) **LIMITATION.**—The Secretary may not acquire lands within the recreation area without the consent of the owner thereof unless the Secretary has determined that such lands will be put to a use different from their use as of the date of enactment of this Act and that such new use would be incompatible with the protection of the natural and cultural resources of the recreation area.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

16 USC 460jjj-5.

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

Approved October 12, 1993.

LEGISLATIVE HISTORY—H.R. 38:

HOUSE REPORTS: No. 103-58 (Comm. on Natural Resources).

SENATE REPORTS: No. 103-139 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 139 (1993):

Apr. 20, 21, considered and passed House.

Sept. 22, considered and passed Senate, amended.

Sept. 29, House concurred in Senate amendments.