

Public Law 98-603  
98th Congress

## An Act

Entitled: "The San Juan Basin Wilderness Protection Act of 1984".

Oct. 30, 1984

[H.R. 6296]

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

## TITLE I—SAN JUAN BASIN

SEC. 101. This Act may be cited as the "San Juan Basin Wilderness Protection Act of 1984".

SEC. 102. (a) In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131-1136), the following lands are hereby designated as wilderness, and, therefore, as components of the National Wilderness Preservation System—

(1) certain lands in the Albuquerque District Bureau of Land Management, New Mexico, which comprise approximately three thousand nine hundred and sixty-eight acres, as generally depicted on a map entitled "Bisti Wilderness—Proposed", dated June 1983, and which shall be known as the Bisti Wilderness; and

(2) certain lands in the Albuquerque District of the Bureau of Land Management, New Mexico, which comprise approximately twenty-three thousand eight hundred and seventy-two acres, as generally depicted on a map entitled "De-na-zin Wilderness—Proposed", dated June 1983, and which shall be known as the De-na-zin Wilderness.

(b) Subject to valid existing rights each wilderness area designated by this Act shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act, except that any reference in such provisions to the effective date of the Wilderness Act (or any similar reference) shall be deemed to be a reference to the effective date of this Act, and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

(c) As soon as practicable after enactment of this Act, a map and a legal description of each wilderness area designated by this Act shall be filed by the Secretary of the Interior with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the House of Representatives. Each such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in each such legal description and map may be made by the Secretary subsequent to such filings. Each such map and legal description shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management, Department of the Interior.

(d) Within the wilderness areas designated by this Act, the grazing of livestock, where established prior to the date of enactment of this Act, shall be permitted to continue subject to such reasonable

San Juan Basin  
Wilderness  
Protection Act of  
1984.  
National  
Wilderness  
Preservation  
System.  
National Forest  
System.16 USC 1132  
note.16 USC 1132  
note.16 USC 1131  
note.Public  
availability.

Livestock.

regulations, policies, and practices as the Secretary of the Interior deems necessary, as long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in the Wilderness Act and this Act.

16 USC 1131  
note.

SEC. 103. (a) In recognition of its paramount aesthetic, natural, scientific, educational, and paleontological values, the approximately two thousand seven hundred and twenty acre area in the Albuquerque District of the Bureau of Land Management, New Mexico, known as the "Fossil Forest", as generally depicted on a map entitled "Fossil Forest", dated June 1983, is hereby withdrawn, subject to valid existing rights, from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing and geothermal leasing and all amendments thereto. The Secretary of the Interior shall administer the area in accordance with the Federal Land Policy and Management Act and shall take such measures as are necessary to ensure that no activities are permitted within the area which would significantly disturb the land surface or impair the area's existing natural, educational, and scientific research values, including paleontological study, excavation, and interpretation.

Regulations.

(b) Within one year of the date of enactment of this Act the Secretary of the Interior shall promulgate rules and regulations for the administration of the Fossil Forest area referred to in subsection (a) in accordance with the provisions of this Act and shall file a copy of such rules and regulations with the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

Study.

(c) The Bureau of Land Management is hereby directed to conduct a long-range study of the Fossil Forest to determine how best to manage the area's resource values identified in section 103(a) of this Act. Within eight years of enactment of this Act, the Secretary shall forward the study results and management plan for the area to Congress. During the study period and until Congress determines otherwise, the Fossil Forest area shall be managed under the provisions of this Act.

Public lands.

SEC. 104. (a) The Secretary of the Interior shall exchange such public lands or interest in such lands, mineral or nonmineral, as are of approximately equal value and selected by the State of New Mexico, acting through its commissioner of public lands, for any State lands or interest therein, mineral or nonmineral, located within the boundaries of any of the tracts designated as wilderness under section 2. For the purpose of this section, the term public lands shall have the same meaning as defined in section 103(c) of the Federal Lands Policy and Management Act of 1976.

16 USC 1131.

43 USC 1702.

(b) Within one hundred and twenty days of enactment of this Act, the Secretary of the Interior shall give notice to the New Mexico Commissioner of Public Lands of the tracts to be designated as wilderness pursuant to section 102 of this Act and of the Secretary's duty to exchange public lands selected by the State for any State land contained within the boundaries of the designated wilderness areas. Such notice shall contain a listing of all public lands which are located within the boundaries of the State, which have not been withdrawn from entry and which the Secretary identifies as being available to the State in exchange for such State lands as may be within the designated wilderness areas.

(c) The value of the State and public lands to be exchanged under this section shall be determined as of the date of enactment of this Act.

(d) After the receipt of the list of available public lands, if the commissioner of public lands gives notice to the Secretary of the State's selection of lands, the Secretary shall notify the State in writing as to whether the Department of the Interior considers the State and Federal lands to be of approximately equal value. In case of disagreement between the Secretary and the commissioner as to relative value of the acquired and selected lands, the Secretary and the commissioner shall agree on the appointment of a disinterested independent appraiser who will review valuation data presented by both parties and determine the amount of selected land which best represents approximate equal value. Such determination will be binding on the Secretary and the commissioner. The transfer of title to lands or interests therein to the State of New Mexico shall be completed within two years of the date of enactment of this Act.

SEC. 105. (a) The Secretary of the Interior shall exchange any lands held in trust for an Indian whose lands are located within the boundary of the De-na-zin area referred to in section 102(a)(2) at the request of the Indian for whom such land is held in trust. Such lands shall be exchanged for lands approximately equal in value selected by the Indian allottee concerned and such lands so selected and exchanged shall thereafter be held in trust by the Secretary in the same manner as the lands for which they were exchanged.

(b) Except as provided herein, nothing in this Act shall affect the transfer to the Navajo Tribe of any lands selected by the Navajo Tribe pursuant to Public Law 93-531 and Public Law 96-305: *Provided, however*, That, notwithstanding the limitations imposed by section 4 of Public Law 96-305, within eighteen months after the date of enactment of this Act, the Navajo Tribe, after consultation with the Relocation Commission, shall have the authority to and shall select lands in New Mexico administered by the Bureau of Land Management of equal acreage in lieu of the lands which have been previously selected by the Navajo Tribe within the boundaries of the Fossil Forest, as described in section 103(a) of this Act. A border of any parcel of land so selected shall be within eighteen miles of the boundary of the Navajo Reservation described in Executive order dated January 6, 1880.

(c) Title to such in lieu selections shall be taken in the name of the United States in trust for the benefit of the Navajo Tribe as a part of the Navajo Reservation, and shall be subject only to valid existing rights as of December 1, 1983.

SEC. 106. Section 11(a) of Public Law 93-531 (25 U.S.C. 640d-10) is amended—

(1) in paragraph (1) by striking out the last sentence, which begins "Such lands";

(2) by inserting after paragraph (2) the following: "Subject to the provisions of the following sentences of this subsection, all rights, title and interests of the United States in the lands described in paragraph (1), including such interests the United States as lessor has in such lands under the Mineral Leasing Act of 1920, as amended, will, subject to existing leasehold interests, be transferred without cost to the Navajo Tribe and title thereto shall be taken by the United States in trust for the benefit of the Navajo Tribe as a part of the Navajo Reservation. So long as selected lands coincide with pending noncompetitive

Indians.

25 USC 640d et seq., 640d note.

25 USC 640d-10.

Mines and mining.

30 USC 181 note.

30 USC 181 note.

coal lease applications under the Mineral Leasing Act of 1920, as amended, the Secretary may not transfer any United States interests in such lands until the noncompetitive coal lease applications have been fully adjudicated. If such adjudication results in issuance of Federal coal leases to the applicants, such transfer shall be subject to such leases. The leaseholders rights and interests in such coal leases will in no way be diminished by the transfer of the rights, title and interests of the United States in such lands to the Navajo Tribe. If any selected lands are subject to valid claims located under the Mining Law of 1872 the transfer of the selected lands may be made subject to those claims.”; and

(3) by inserting the following new paragraph:

“(2) Those interests in lands acquired in the State of New Mexico by the Navajo Tribe pursuant to subsection 2 of this section shall be subject to the right of the State of New Mexico to receive the same value from any sales, bonuses, rentals, royalties and interest charges from the conveyance, sale, lease, development, and production of coal as would have been received had the subsurface interest in such lands remained with the United States and been leased pursuant to the Mineral Lands Leasing Act of 1920, as amended, or any successor Act; or otherwise developed. The State’s interest shall be accounted for in the same manner as it would have been if a lease had issued pursuant to the Mineral Lands Leasing Act of 1920, as amended.”

30 USC 181 note.

Public lands.

SEC. 107. (a) Subject to valid existing rights and except as provided in subsection (b), the Secretary of the Interior is authorized and directed to convey to the New Mexico State University, Las Cruces, New Mexico, at a cost of \$2.50 per acre, all right, title, and interest of the United States in and to the following described public lands aggregating approximately 5,711.39 acres in Dona Ana County, New Mexico, to be used for the purpose of conducting educational, demonstrative, and experimental development with livestock, grazing methods, and range forage plants and other agricultural related research:

#### New Mexico Principal Meridian

Township 20 south, range 1 east

Sections 16, 32, and 36, all.

Township 21 south, range 1 east

Sections 2, and 16, all.

Township 20 south, range 1 west

Sections 2, and 16, all.

Section 26, north half northeast quarter, northeast quarter northwest quarter;

Section 32, north half, north half southwest quarter, north half southeast quarter, southeast quarter southeast quarter; and

Section 36, all.

(b) There are reserved to the United States all minerals that may be found in the lands described in subsection (a), together with the right of the United States, its permittees, lessees, or grantees, at any time, to prospect for, mine and remove such minerals.

(c) In the event that the lands described in subsection (a), or any part thereof, are used for any purpose other than those for which conveyance is authorized, title to the entire tract shall immediately



revert to the United States without the necessity for further action to accomplish the reversion of title to the United States.

SEC. 108. In order to relieve the Elephant Butte Irrigation District of any obligation to reimburse the Bureau of Reclamation for leave and severance payments to certain employees of the Rio Grande project separated as a result of the transfer of operation and maintenance responsibilities to the Elephant Butte District, miscellaneous revenues having been collected by the Bureau of Reclamation from the sale or lease of project lands, interests in lands or other sources may be credited to the Elephant Butte Irrigation District for such leave and severance payments and accrued interest penalties on the district's obligations. Penalties shall be assessed up till September 23, 1983.

Penalties.

SEC. 109. An approximate twenty-acre area as shown on a map entitled Sandia Mountain Wilderness additions, dated March 26, 1981, on file in the Office of the Chief of the Forest Service, Department of Agriculture, is hereby added to and made a part of the Sandia Mountain Wilderness: *Provided*, That the Secretary of Agriculture may allow the continuance of the existing diversion dam and existing related facilities conforming to the terms and conditions of maintenance he deems appropriate, including the provision for access and the use of mechanized equipment only for construction and maintenance of existing structures: *Provided further*, That any upgrading of the existing diversion dam shall be completed within four years of the date of this section in accord with the plans approved by the Secretary of Agriculture. The Secretary of Agriculture may extend the time of such reconstruction if he deems such extension is necessary and in the public interest.

Public lands.

Dam.

SEC. 110. (a)(1) The Secretary of the Interior (hereafter in this section referred to as the "Secretary") may convey to Sumner Lake Corporation of the State of New Mexico all right, title, and interest of the United States in and to the real property described in paragraph (2), but such conveyance to such corporation may be made only in the event that the State of New Mexico has given a written release to the United States Government from the State's lease of such property.

Public lands.

(2) The real property referred to in paragraph (1) is located in Lake Sumner State Park, in the State of New Mexico, and is more particularly described as follows: all portions of sections 28 and 34 in township 5 north, range 24 east, that are more than 4,280 feet above sea level. The acreage and legal description of such real property shall be determined by the Secretary after consulting with Sumner Lake Corporation.

(b)(1) In consideration for the conveyance authorized in subsection (a), Sumner Lake Corporation shall pay to the Secretary for deposit in the United States Treasury the fair market value of the real property conveyed as determined on the date of such conveyance. Such fair market value shall be determined by the Secretary by means of an appraisal conducted in accordance with established appraisal procedures.

(2) Any administrative cost incurred by the Secretary incident to any conveyance under subsection (a), including any surveying cost, recording cost, or legal cost, shall be reimbursed by Sumner Lake Corporation.

(c)(1) Any conveyance under subsection (a) shall reserve to the United States all oil, coal, and other minerals in the real property conveyed, and the right to prospect for, mine, and remove such oil,

coal, and other minerals. Any damage sustained by any surface owner as a result of the exercise of any right reserved in this paragraph shall be reimbursed by the United States or the lessee of such right.

(2) Any conveyance under subsection (a) shall not affect any easement, servitude, or right-of-way existing with respect to the real property conveyed on the date of such conveyance.

(3) The Secretary may attach to any conveyance under subsection (a) any additional conditions and reservations that the Secretary determines to be appropriate.

Approved October 30, 1984.

**LEGISLATIVE HISTORY—H.R. 6296 (H.R. 3766):**

HOUSE REPORT No. 98-834 accompanying H.R. 3766 (Comm. on Interior and Insular Affairs).

CONGRESSIONAL RECORD, Vol. 130 (1984):

June 18, H.R. 3766 considered and passed House.

Oct. 3, considered and passed House.

Oct. 5, considered and passed Senate, amended; House concurred in Senate amendments.