

Calendar No. 348

105TH CONGRESS
2D SESSION**S. 633****[Report No. 105–176]**

To amend the Petroglyph National Monument Establishment Act of 1990
to adjust the boundary of the monument, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 23, 1997

Mr. DOMENICI introduced the following bill; which was read twice and referred
to the Committee on Energy and Natural Resources

APRIL 29, 1998

Reported by Mr. MURKOWSKI, with an amendment

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

A BILL

To amend the Petroglyph National Monument Establishment
Act of 1990 to adjust the boundary of the monument,
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 “Petroglyph National
5 Monument Boundary Adjustment Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the purposes for which Petroglyph National
4 Monument was established continue to be valid;

5 (2) the valued cultural and natural resources of
6 Petroglyph National Monument will be best pre-
7 served for the benefit and enjoyment of present and
8 future generations under a cooperative management
9 relationship between the City of Albuquerque, New
10 Mexico, the State of New Mexico, and the National
11 Park Service;

12 (3) the National Park Service has been unable
13 to accommodate harmoniously the transportation
14 needs of the City of Albuquerque in balance with the
15 preservation of cultural and natural resources of
16 Petroglyph National Monument;

17 (4) corridors for the development of Paseo del
18 Norte and Unser Boulevard are indicated on the
19 map referred to in section 102(a) of the Petroglyph
20 National Monument Establishment Act of 1990
21 (Public Law 101–313; 16 U.S.C. 431 note), and the
22 alignment of the roadways was anticipated by Con-
23 gress before the date of enactment of the Act;

24 (5) it was the intent of Congress in the passage
25 of the Petroglyph National Monument Establish-
26 ment Act of 1990 (Public Law 101–313; 16 U.S.C.

1 ~~431~~ note) to allow the City of Albuquerque, New
 2 Mexico—

3 (A) to utilize the Paseo del Norte and
 4 Unser Boulevard corridors through Petroglyph
 5 National Monument; and

6 (B) to coordinate the design and construc-
 7 tion of the corridors with the cultural and natu-
 8 ral resources of Petroglyph National Monu-
 9 ment; and

10 (6) the city of Albuquerque, New Mexico, has
 11 not provided for the establishment of rights-of-way
 12 for the Paseo del Norte and Unser Boulevard cor-
 13 ridors under the Joint Powers Agreement (JPANO
 14 ~~78-521.81-277A~~), which expanded the boundary of
 15 Petroglyph National Monument to include the
 16 Piedras Marcadas and Boca Negra units, pursuant
 17 to section 104 of the Petroglyph National Monument
 18 Establishment Act of 1990 (Public Law ~~101-313~~;
 19 ~~16 U.S.C. 431~~ note).

20 **SEC. 3. BOUNDARY ADJUSTMENT.**

21 Section ~~104(a)~~ of the Petroglyph National Monument
 22 Establishment Act of 1990 (Public Law ~~101-313~~; ~~16~~
 23 U.S.C. ~~431~~ note) is amended—

1 (1) by redesignating paragraphs (1) and (2) as
 2 subparagraphs (A) and (B), respectively, and indent-
 3 ing appropriately;

4 (2) by striking “(a) Upon” and inserting the
 5 following:

6 “(a) PIEDRAS MARCADAS AND BOCA NEGRA
 7 UNITS.—

8 “(1) IN GENERAL.—Upon”; and

9 (3) by adding at the end the following:

10 “(2) BOUNDARY ADJUSTMENT.—

11 “(A) EXCLUSION OF PASEO DEL NORTE
 12 CORRIDOR.—Notwithstanding paragraph (1),
 13 effective as of the date of enactment of this
 14 subparagraph—

15 “(i) the boundary of the monument is
 16 adjusted to exclude the Paseo Del Norte
 17 corridor in the Piedras Marcadas Unit de-
 18 scribed in Exhibit B of the document de-
 19 scribed in subparagraph (B); and

20 “(ii) the Paseo Del Norte corridor
 21 shall be owned and managed as if the cor-
 22 ridor had never been within the boundary
 23 of the monument.

24 “(B) DOCUMENT.—The document de-
 25 scribed in this subparagraph is the document

1 entitled ‘Petroglyph National Monument Road-
 2 way/Utility Corridors’, on file with the Sec-
 3 retary of the Interior and the mayor of the City
 4 of Albuquerque, New Mexico.”

5 **SECTION 1. SHORT TITLE.**

6 *This Act may be cited as the “Petroglyph National*
 7 *Monument Boundary Adjustment Act”.*

8 **SEC. 2. FINDINGS.**

9 *Congress finds that—*

10 *(1) the purposes for which Petroglyph National*
 11 *Monument (hereinafter “the monument”) was estab-*
 12 *lished continue to be valid;*

13 *(2) it is of mutual benefit to the trustee institu-*
 14 *tions of the New Mexico State Trust lands and the*
 15 *National Park Service for land exchange negotiations*
 16 *to be completed with all due diligence, resulting in the*
 17 *transfer of all State Trust lands within the bound-*
 18 *aries of the monument to the United States in accord-*
 19 *ance with State and Federal law;*

20 *(3) because the city of Albuquerque has acquired*
 21 *substantial acreage within the monument boundaries,*
 22 *purchased with State and municipal funds, the con-*
 23 *solidation of land ownership and jurisdiction under*
 24 *the National Park Service will require the consent of*
 25 *the city of Albuquerque, and options for National*

1 *Park Service acquisition that are not currently avail-*
2 *able;*

3 *(4) corridors for the development of Paseo del*
4 *Norte and Unser Boulevard are depicted on the map*
5 *referred to in section 102(a) of the Petroglyph Na-*
6 *tional Monument Establishment Act of 1990 (Public*
7 *Law 101–313; 16 U.S.C. 431 note), and the align-*
8 *ment of the roadways was anticipated by Congress be-*
9 *fore the date of enactment of the Act;*

10 *(5) it was the expectation of the principal pro-*
11 *ponents of Petroglyph National Monument, including*
12 *the cities of Albuquerque and Rio Rancho, New Mex-*
13 *ico, and the National Park Service, that passage of*
14 *the Petroglyph National Monument Establishment Act*
15 *of 1990 (Public Law 101–313; 16 U.S.C. 431 note)*
16 *would allow the city of Albuquerque—*

17 *(A) to utilize the Paseo del Norte and Unser*
18 *Boulevard corridors through the monument; and*

19 *(B) to design and construct infrastructure*
20 *within the corridors with the cultural and natu-*
21 *ral resources of the monument in mind;*

22 *(6) the city of Albuquerque has not provided for*
23 *the establishment of rights-of-way for the Paseo del*
24 *Norte and Unser Boulevard corridors under the Joint*
25 *Powers Agreement (PANO 78–521.81–277A), which*

1 *expanded the boundary of the monument to include*
 2 *the Piedras Marcadas and Boca Negra units, pursu-*
 3 *ant to section 104 of the Petroglyph National Monu-*
 4 *ment Establishment Act of 1990 (Public Law 101–*
 5 *313; 16 U.S.C. 431 note);*

6 *(7) adequate planning and cooperation between*
 7 *the city of Albuquerque and the National Park Serv-*
 8 *ice is essential to avoid resource degradation within*
 9 *the monument resulting from storm water runoff, and*
 10 *that drainage conveyances through the monument*
 11 *should be designed and located to provide sufficient*
 12 *capacity for effective runoff management; and*

13 *(8) Petroglyph National Monument will be best*
 14 *managed for the benefit and enjoyment of present and*
 15 *future generations with cooperation between the city*
 16 *of Albuquerque, the State of New Mexico, and the Na-*
 17 *tional Park Service.*

18 **SEC. 3. STORM WATER DRAINAGE AND TECHNICAL ASSIST-**
 19 **ANCE.**

20 *(a) STORM WATER DRAINAGE.—Within 180 days of*
 21 *enactment of this section, the Secretary of the Interior, act-*
 22 *ing through the Director of the National Park Service, or*
 23 *a designee thereof, and the city of Albuquerque, New Mexico,*
 24 *shall enter into negotiations to provide for the management*
 25 *of storm water runoff and drainage within the monument,*

1 *including the design and construction of any storm water*
 2 *corridors, conveyances, and easements within the monu-*
 3 *ment boundaries.*

4 **(b) TECHNICAL ASSISTANCE.**—*At least 120 days before*
 5 *the initiation of any construction within the corridor de-*
 6 *scribed in Exhibit B of the document referred to in sub-*
 7 *section (c), the city of Albuquerque, New Mexico, shall pro-*
 8 *vide to the Secretary of the Interior, acting through the Di-*
 9 *rector of the National Park Service, design specifications*
 10 *of the construction project. Prior to, or upon receipt of such*
 11 *specifications, the Secretary, or a designee thereof, may pro-*
 12 *vide the city with technical assistance in the design of any*
 13 *construction project within such corridor. Technical assist-*
 14 *ance provided by the Secretary shall be solely to advise the*
 15 *city on design.*

16 **(c) DOCUMENT.**—*The document described in this sec-*
 17 *tion is the document entitled “Petroglyph National Monu-*
 18 *ment Roadway/Utility Corridors”, on file with the Sec-*
 19 *retary of the Interior and the mayor of the city of Albuquer-*
 20 *que, New Mexico.*

21 **SEC. 4. ACQUISITION AUTHORITY; BOUNDARY ADJUST-**
 22 **MENT; ADMINISTRATION AND MANAGEMENT**
 23 **OF THE MONUMENT.**

24 **(a) ACQUISITION AUTHORITY.**—*Section 103(a) of the*
 25 *Petroglyph National Monument Establishment Act of 1990*

1 *(Public Law 101–313, 16 U.S.C. 431 note) is amended by*
 2 *striking “, except that lands or interests therein owned by*
 3 *the State or a political subdivision thereof may be acquired*
 4 *only by donation or exchange”, and inserting in lieu thereof*
 5 *“: Provided, That no lands or interests therein owned by*
 6 *the State or a political subdivision thereof may be acquired*
 7 *by purchase prior to—*

8 *“(1) the State or political subdivision thereof*
 9 *holding title to such land identifying it for disposal;*
 10 *and*

11 *“(2) either—*

12 *“(A) the acquisition of all private land*
 13 *within the monument boundary for which there*
 14 *is a willing seller; or*

15 *“(B) two years after a final offer (for which*
 16 *funds are available) is made by the Secretary to*
 17 *acquire all remaining private land, at fair mar-*
 18 *ket value.”.*

19 *(b) BOUNDARY ADJUSTMENT.—Section 104(a) of the*
 20 *Petroglyph National Monument Establishment Act of 1990*
 21 *(Public Law 101–313; 16 U.S.C. 431 note) is amended—*

22 *(1) by redesignating paragraphs (1) and (2) as*
 23 *subparagraphs (A) and (B), respectively, and indent-*
 24 *ing appropriately;*

1 (2) by striking “(a) Upon” and inserting the fol-
 2 lowing:

3 “(a)(1) Upon”; and

4 (3) by adding at the end the following:

5 “(2)(A) Notwithstanding paragraph (1), effective
 6 as of the date of enactment of this subparagraph—

7 “(i) the boundary of the monument is ad-
 8 justed to exclude the Paseo Del Norte corridor in
 9 the Piedras Marcadas Unit described in Exhibit
 10 B of the document described in subparagraph
 11 (B); and

12 “(ii) the prior inclusion of the Paseo Del
 13 Norte corridor within the boundary of the monu-
 14 ment shall have no effect on any future owner-
 15 ship, use, or management of such corridor.

16 “(B) The document described in this subpara-
 17 graph is the document entitled ‘Petroglyph National
 18 Monument Roadway/Utility Corridors’, on file with
 19 the Secretary of the Interior and the mayor of the city
 20 of Albuquerque, New Mexico.”.

21 (c) ADMINISTRATION AND MANAGEMENT OF THE
 22 MONUMENT.—Section 105 of the Petroglyph National
 23 Monument Establishment Act of 1990 (Public Law 101–
 24 313, 16 U.S.C. 431 note) is amended by adding the follow-
 25 ing new subsection—

1 “(f) *In the event that the binding agreement providing*
2 *for the expansion of the monument pursuant to section 104*
3 *is amended, in accordance with the terms of the agreement,*
4 *such that responsibility for operation, maintenance and re-*
5 *pair of any or all property within the Boca Negra or*
6 *Piedras Marcadas units of the monument is transferred to*
7 *the National Park Service, the Secretary may employ, at*
8 *a comparable grade and salary within the National Park*
9 *Service, any willing employees of the city assigned to those*
10 *units.”.*

11 **SEC. 5. DOUBLE EAGLE II AIRPORT ACCESS ROAD.**

12 *The Administrator of the Federal Aviation Adminis-*
13 *tration shall allow the use of the existing access road to*
14 *the Double Eagle II Airport for visitor access to the monu-*
15 *ment.*

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