

106TH CONGRESS  
1ST SESSION

# H. R. 3288

To authorize the acquisition of the Valles Caldera, to provide for an effective land and wildlife management program for this resource within the Department of Agriculture, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 9, 1999

Mrs. WILSON (for herself and Mr. UDALL of New Mexico) introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To authorize the acquisition of the Valles Caldera, to provide for an effective land and wildlife management program for this resource within the Department of Agriculture, 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       **TITLE I—VALLES CALDERA NA-**

4       **TIONAL PRESERVE AND**

5       **TRUST**

6       **SECTION 101. SHORT TITLE.**

7       This title may be cited as the “Valles Caldera Preser-

8       vation Act”.

1 **SEC. 102. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

3 (1) the Baca ranch comprises most of the  
4 Valles Caldera in central New Mexico, and con-  
5 stitutes a unique land mass, with significant sci-  
6 entific, cultural, historic, recreational, ecological,  
7 wildlife, fisheries, and productive values;8 (2) the Valles Caldera is a large resurgent lava  
9 dome with potential geothermal activity;10 (3) the land comprising the Baca ranch was  
11 originally granted to the heirs of Don Luis Maria  
12 Cabeza de Vaca in 1860;13 (4) historical evidence, in the form of old log-  
14 ging camps and other artifacts, and the history of  
15 territorial New Mexico indicate the importance of  
16 this land over many generations for domesticated  
17 livestock production and timber supply;18 (5) the careful husbandry of the Baca ranch by  
19 the current owners, including selective timbering,  
20 limited grazing and hunting, and the use of pre-  
21 scribed fire, have preserved a mix of healthy range  
22 and timber land with significant species diversity,  
23 thereby serving as a model for sustainable land de-  
24 velopment and use;25 (6) the Baca ranch's natural beauty and abun-  
26 dant resources, and its proximity to large municipal

1 populations, could provide numerous recreational op-  
2 portunities for hiking, fishing, camping, cross-coun-  
3 try skiing, and hunting;

4 (7) the Forest Service documented the scenic  
5 and natural values of the Baca ranch in its 1993  
6 study entitled “Report on the Study of the Baca Lo-  
7 cation No. 1, Santa Fe National Forest, New Mex-  
8 ico”, as directed by Public Law 101-556;

9 (8) the Baca ranch can be protected for current  
10 and future generations by continued operation as a  
11 working ranch under a unique management regime  
12 which would protect the land and resource values of  
13 the property and surrounding ecosystem while allow-  
14 ing and providing for the ranch to eventually become  
15 financially self-sustaining;

16 (9) the current owners have indicated that they  
17 wish to sell the Baca ranch, creating an opportunity  
18 for Federal acquisition and public access and enjoy-  
19 ment of these lands;

20 (10) certain features on the Baca ranch have  
21 historical and religious significance to Native Ameri-  
22 cans which can be preserved and protected through  
23 Federal acquisition of the property;

24 (11) the unique nature of the Valles Caldera  
25 and the potential uses of its resources with different

1       resulting impacts warrants a management regime  
2       uniquely capable of developing an operational pro-  
3       gram for appropriate preservation and development  
4       of the land and resources of the Baca ranch in the  
5       interest of the public;

6               (12) an experimental management regime  
7       should be provided by the establishment of a Trust  
8       capable of using new methods of public land man-  
9       agement that may prove to be cost-effective and en-  
10      vironmentally sensitive; and

11               (13) the Secretary may promote more efficient  
12       management of the Valles Caldera and the water-  
13       shed of the Santa Clara Creek through the assign-  
14       ment of purchase rights of such watershed to the  
15       Pueblo of Santa Clara.

16       (b) PURPOSES.—The purposes of this title are—

17               (1) to authorize Federal acquisition of the Baca  
18       ranch;

19               (2) to protect and preserve for future genera-  
20       tions the scientific, scenic, historic, and natural val-  
21       ues of the Baca ranch, including rivers and eco-  
22       systems and archaeological, geological, and cultural  
23       resources;

24               (3) to provide opportunities for public recre-  
25       ation;

1 (4) to establish a demonstration area for an ex-  
2 perimental management regime adapted to this  
3 unique property which incorporates elements of pub-  
4 lic and private administration in order to promote  
5 long term financial sustainability consistent with the  
6 other purposes enumerated in this subsection; and

## 11 SEC. 103. DEFINITIONS.

## 12 In this title:

24 (4) FINANCIALLY SELF-SUSTAINING.—The term  
25 “financially self-sustaining” means management and

1 operating expenditures equal to or less than pro-  
2 ceeds derived from fees and other receipts for re-  
3 source use and development and interest on invested  
4 funds. Management and operating expenditures shall  
5 include Trustee expenses, salaries and benefits of  
6 staff, administrative and operating expenses, im-  
7 provements to and maintenance of lands and facili-  
8 ties of the Preserve, and other similar expenses.  
9 Funds appropriated to the Trust by Congress, either  
10 directly or through the Secretary, for the purposes  
11 of this title shall not be considered.

12 (5) MULTIPLE USE AND SUSTAINED YIELD.—  
13 The term “multiple use and sustained yield” means  
14 the combined meaning of the terms “multiple use”  
15 and “sustained yield of the several products and  
16 services”, as defined under the Multiple-Use Sus-  
17 tained-Yield Act of 1960 (16 U.S.C. 531).

18 (6) PRESERVE.—The term “Preserve” means  
19 the Valles Caldera National Preserve established  
20 under section 105.

21 (7) SECRETARY.—Except where otherwise pro-  
22 vided, the term “Secretary” means the Secretary of  
23 Agriculture.

24 (8) TRUST.—The term “Trust” means the  
25 Valles Caldera Trust established under section 106.

## 1 SEC. 104. ACQUISITION OF LANDS.

2 (a) ACQUISITION OF BACA RANCH.—

14 (b) ADDITION OF LAND TO BANDELIER NATIONAL  
15 MONUMENT.—Upon acquisition of the Baca ranch under  
16 subsection (a), the Secretary of the Interior shall assume  
17 administrative jurisdiction over those lands within the  
18 boundaries of the Bandelier National Monument as modi-  
19 fied under section 3 of Public Law 105–376 (112 Stat.  
20 3389).

## 21 (c) PLAT AND MAPS.—

22 (1) PLAT AND MAPS PREVAIL.—In case of any  
23 conflict between a plat or a map and acreages, the  
24 plat or map shall prevail.

(d) WATERSHED MANAGEMENT REPORT.—The Secretary, acting through the Forest Service, in cooperation

1 with the Secretary of the Interior, acting through the Na-  
2 tional Park Service, shall—

3 (1) prepare a report of management alter-  
4 natives which may—

5 (A) provide more coordinated land man-  
6 agement within the area known as the Lower  
7 Alamo watershed;

8 (B) allow for improved management of elk  
9 and other wildlife populations ranging between  
10 the Santa Fe National Forest and the Ban-  
11 delier National Monument; and

12 (C) include proposed boundary adjust-  
13 ments between the Santa Fe National Forest  
14 and the Bandelier National Monument to facili-  
15 tate the objectives under subparagraphs (A)  
16 and (B); and

17 (2) submit the report to the Committees of  
18 Congress within 120 days of the date of enactment  
19 of this title.

20 (e) OUTSTANDING MINERAL INTERESTS.—The ac-  
21 quisition of the Baca ranch by the Secretary shall be sub-  
22 jeet to all outstanding valid existing mineral interests. The  
23 Secretary is authorized and directed to negotiate with the  
24 owners of any fractional interest in the subsurface estate  
25 for the acquisition of such fractional interest on a willing

1 seller basis for not to exceed their fair market value, as  
2 determined by appraisal done in conformity with the Uni-  
3 form Appraisal Standards for Federal Land Acquisitions.  
4 Any such interests acquired within the boundaries of the  
5 Upper Alamo watershed, as referred to in subsection (b),  
6 shall be administered by the Secretary of the Interior as  
7 part of Bandelier National Monument.

8 (f) BOUNDARIES OF THE BACA RANCH.—For pur-  
9 poses of section 7 of the Land and Water Conservation  
10 Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries  
11 of the Baca ranch shall be treated as if they were National  
12 Forest boundaries existing as of January 1, 1965.

13 (g) PUEBLO OF SANTA CLARA.—The Secretary may  
14 assign to the Pueblo of Santa Clara rights to acquire for  
15 fair market value portions of the Baca ranch. The portion  
16 that may be assigned shall be determined by mutual agree-  
17 ment between the Pueblo and the Secretary based on opti-  
18 mal management considerations for the Preserve including  
19 manageable land line locations, public access, and reten-  
20 tion of the scenic and natural values. All appraisals shall  
21 be done in conformity with the Uniform Appraisal Stand-  
22 ards for Federal Land Acquisitions.

23 **SEC. 105. THE VALLES CALDERA NATIONAL PRESERVE.**

24 (a) ESTABLISHMENT.—Upon the date of acquisition  
25 of the Baca ranch under section 104(a), there is hereby

1 established the Valles Caldera National Preserve as a unit  
2 of the National Forest System which shall include all Fed-  
3 eral lands and interests in land acquired under sections  
4 104(a) and 104(e), except those lands and interests in  
5 land administered by the Secretary of the Interior under  
6 section 104(b), and shall be managed in accordance with  
7 the purposes and requirements of this title.

8 (b) PURPOSES.—The purposes for which the Preserve  
9 is established are to protect and preserve the scenic, geo-  
10 logic, watershed, fish, wildlife, historic, cultural, and rec-  
11 reational values of the Preserve, and to provide for mul-  
12 tiple use and sustained yield of renewable resources within  
13 the Preserve, consistent with this title.

14 (c) MANAGEMENT AUTHORITY.—Except for the pow-  
15 ers of the Secretary enumerated in this title, the Preserve  
16 shall be managed by the Valles Caldera Trust established  
17 by section 106.

18 (d) ELIGIBILITY FOR PAYMENT IN LIEU OF  
19 TAXES.—Lands acquired by the United States under sec-  
20 tion 104(a) shall constitute entitlement lands for purposes  
21 of the Payment in Lieu of Taxes Act (31 U.S.C. 6901–  
22 6904).

23 (e) WITHDRAWALS.—

24 (1) IN GENERAL.—Upon acquisition of all inter-  
25 ests in minerals within the boundaries of the Baca

1 ranch under section 104(e), subject to valid existing  
2 rights, the lands comprising the Preserve are there-  
3 by withdrawn from disposition under all laws per-  
4 taining to mineral leasing, including geothermal  
5 leasing.

6 (2) MATERIALS FOR ROADS AND FACILITIES.—  
7 Nothing in this title shall preclude the Secretary,  
8 prior to assumption of management of the Preserve  
9 by the Trust, and the Trust thereafter, from allow-  
10 ing the utilization of common varieties of mineral  
11 materials such as sand, stone, and gravel as nec-  
12 essary for construction and maintenance of roads  
13 and facilities within the Preserve.

14 (f) FISH AND GAME.—Nothing in this title shall be  
15 construed as affecting the responsibilities of the State of  
16 New Mexico with respect to fish and wildlife, including the  
17 regulation of hunting, fishing, and trapping within the  
18 Preserve, except that the Trust may, in consultation with  
19 the Secretary and the State of New Mexico, designate  
20 zones where and establish periods when no hunting, fish-  
21 ing, or trapping shall be permitted for reasons of public  
22 safety, administration, the protection of nongame species  
23 and their habitats, or public use and enjoyment.

1 **SEC. 106. THE VALLES CALDERA TRUST.**

2 (a) ESTABLISHMENT.—There is hereby established a  
3 wholly owned government corporation known as the Valles  
4 Caldera Trust which is empowered to conduct business in  
5 the State of New Mexico and elsewhere in the United  
6 States in furtherance of its corporate purposes.

7 (b) CORPORATE PURPOSES.—The purposes of the  
8 Trust are—

9 (1) to provide management and administrative  
10 services for the Preserve;

11 (2) to establish and implement management  
12 policies which will best achieve the purposes and re-  
13 quirements of this title;

14 (3) to receive and collect funds from private  
15 and public sources and to make dispositions in sup-  
16 port of the management and administration of the  
17 Preserve; and

18 (4) to cooperate with Federal, State, and local  
19 governmental units, and with Indian tribes and  
20 Pueblos, to further the purposes for which the Pre-  
21 serve was established.

22 (c) NECESSARY POWERS.—The Trust shall have all  
23 necessary and proper powers for the exercise of the au-  
24 thorities vested in it.

25 (d) STAFF.—

15 (2) FEDERAL EMPLOYEES.—

21 (B) USE OF FEDERAL EMPLOYEES.—At  
22 the request of the Trust, the employees of any  
23 Federal agency may be provided for implemen-  
24 tation of this title. Such employees detailed to

1           the Trust for more than 30 days shall be pro-  
2           vided on a reimbursable basis.

3           (e) GOVERNMENT CORPORATION.—

4           (1) IN GENERAL.—The Trust shall be a Gov-  
5           ernment Corporation subject to chapter 91 of title  
6           31, United States Code (commonly referred to as  
7           the Government Corporation Control Act). Financial  
8           statements of the Trust shall be audited annually in  
9           accordance with section 9105 of title 31 of the  
10           United States Code.

11           (2) REPORTS.—Not later than January 15 of  
12           each year, the Trust shall submit to the Secretary  
13           and the Committees of Congress a comprehensive  
14           and detailed report of its operations, activities, and  
15           accomplishments for the prior year including infor-  
16           mation on the status of ecological, cultural, and fi-  
17           nancial resources being managed by the Trust, and  
18           benefits provided by the Preserve to local commu-  
19           nities. The report shall also include a section that  
20           describes the Trust's goals for the current year.

21           (3) ANNUAL BUDGET.—

22           (A) IN GENERAL.—The Trust shall pre-  
23           pare an annual budget with the goal of achiev-  
24           ing a financially self-sustaining operation within

1           15 full fiscal years after the date of acquisition  
2           of the Baca ranch under section 104(a).

3           (B) BUDGET REQUEST.—The Secretary  
4           shall provide necessary assistance (including  
5           detailees as necessary) to the Trust for the  
6           timely formulation and submission of the an-  
7           nual budget request for appropriations, as au-  
8           thorized under section 111(a), to support the  
9           administration, operation, and maintenance of  
10           the Preserve.

11           (f) TAXES.—The Trust and all properties adminis-  
12           tered by the Trust shall be exempt from all taxes and spe-  
13           cial assessments of every kind by the State of New Mexico,  
14           and its political subdivisions including the counties of  
15           Sandoval and Rio Arriba.

16           (g) DONATIONS.—The Trust may solicit and accept  
17           donations of funds, property, supplies, or services from in-  
18           dividuals, foundations, corporations, and other private or  
19           public entities for the purposes of carrying out its duties.  
20           The Secretary, prior to assumption of management of the  
21           Preserve by the Trust, and the Trust thereafter, may ac-  
22           cept donations from such entities notwithstanding that  
23           such donors may conduct business with the Department  
24           of Agriculture or any other department or agency of the  
25           United States.

1 (h) PROCEEDS.—

(2) FUND.—There is hereby established in the Treasury of the United States a special interest bearing fund entitled “Valles Caldera Fund” which shall be available, without further appropriation for any purpose consistent with the purposes of this title. At the option of the Trust, or the Secretary in accordance with section 110, the Secretary of the Treasury shall invest excess monies of the Trust in such account, which shall bear interest at rates determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturity.

1 (i) RESTRICTIONS ON DISPOSITION OF RECEIPTS.—

2 Any funds received by the Trust, or the Secretary in ac-  
3 cordance with section 109(b), from the management of the  
4 Preserve shall not be subject to partial distribution to the  
5 State under—

(2) section 13 of the Act of March 1, 1911 (36 Stat. 963, chapter 186; 16 U.S.C. 500); or

13 (3) any other law.

14 (j) SUITS.—The Trust may sue and be sued in its  
15 own name to the same extent as the Federal Government.

16 For purposes of such suits, the residence of the Trust shall  
17 be the State of New Mexico. The Trust shall be rep-  
18 resented by the Attorney General in any litigation arising  
19 out of the activities of the Trust, except that the Trust  
20 may retain private attorneys to provide advice and coun-  
21 sel.

22 (k) BYLAWS.—The Trust shall adopt necessary by-  
23 laws to govern its activities.

24 (l) INSURANCE AND BOND.—The Trust shall require  
25 that all holders of leases from, or parties in contract with,

1 the Trust that are authorized to occupy, use, or develop  
2 properties under the management jurisdiction of the  
3 Trust, procure proper insurance against any loss in con-  
4 nection with such properties, or activities authorized in  
5 such lease or contract, as is reasonable and customary.

6 **SEC. 107. BOARD OF TRUSTEES.**

7 (a) IN GENERAL.—The Trust shall be governed by  
8 a 9-member Board of Trustees consisting of the following:

9 (1) VOTING TRUSTEES.—The voting Trustees  
10 shall be—

11 (A) the Supervisor of the Santa Fe Na-  
12 tional Forest, United States Forest Service;

13 (B) the Superintendent of the Bandelier  
14 National Monument, National Park Service;  
15 and

16 (C) 7 individuals, appointed by the Presi-  
17 dent, in consultation with the congressional del-  
18 egation from the State of New Mexico. The 7  
19 individuals shall have specific expertise or rep-  
20 resent an organization or government entity as  
21 follows—

22 (i) one trustee shall have expertise in  
23 aspects of domesticated livestock manage-  
24 ment, production, and marketing, including

range management and livestock business management;

3 (ii) one trustee shall have expertise in  
4 the management of game and nongame  
5 wildlife and fish populations, including  
6 hunting, fishing, and other recreational ac-  
7 tivities;

12 (iv) one trustee shall be active in a  
13 nonprofit conservation organization con-  
14 cerned with the activities of the Forest  
15 Service;

16 (v) one trustee shall have expertise in  
17 financial management, budget and pro-  
18 gram analysis, and small business oper-  
19 ations;

20 (vi) one trustee shall have expertise in  
21 the cultural and natural history of the re-  
22 gion; and

23 (vii) one trustee shall be active in  
24 State or local government in New Mexico,

1                   with expertise in the customs of the local  
2                   area.

3                   (2) **QUALIFICATIONS.**—Of the trustees ap-  
4                   pointed by the President—

5                   (A) none shall be employees of the Federal  
6                   Government; and

7                   (B) at least five shall be residents of the  
8                   State of New Mexico.

9                   (b) **INITIAL APPOINTMENTS.**—The President shall  
10                  make the initial appointments to the Board of Trustees  
11                  within 90 days after acquisition of the Baca ranch under  
12                  section 104(a).

13                  (c) **TERMS.**—

14                  (1) **IN GENERAL.**—Appointed trustees shall  
15                  each serve a term of 4 years, except that of the  
16                  trustees first appointed, 4 shall serve for a term of  
17                  4 years, and 3 shall serve for a term of 2 years.

18                  (2) **VACANCIES.**—Any vacancy among the ap-  
19                  pointed trustees shall be filled in the same manner  
20                  in which the original appointment was made, and  
21                  any trustee appointed to fill a vacancy shall serve for  
22                  the remainder of that term for which his or her  
23                  predecessor was appointed.

24                  (3) **LIMITATIONS.**—No appointed trustee may  
25                  serve more than 8 years in consecutive terms.

1       (d) QUORUM.—A majority of trustees shall constitute  
2 a quorum of the Board for the conduct of business.

3       (e) ORGANIZATION AND COMPENSATION.—

4           (1) IN GENERAL.—The Board shall organize  
5 itself in such a manner as it deems most appropriate  
6 to effectively carry out the activities of the Trust.

7           (2) COMPENSATION OF TRUSTEES.—Trustees  
8 shall serve without pay, but may be reimbursed from  
9 the funds of the Trust for the actual and necessary  
10 travel and subsistence expenses incurred by them in  
11 the performance of their duties.

12           (3) CHAIR.—Trustees shall select a chair from  
13 the membership of the Board.

14       (f) LIABILITY OF TRUSTEES.—Appointed trustees  
15 shall not be considered Federal employees by virtue of  
16 their membership on the Board, except for purposes of  
17 the Federal Tort Claims Act, the Ethics in Government  
18 Act, and the provisions of chapter 11 of title 18, United  
19 States Code.

20       (g) MEETINGS.—

21           (1) LOCATION AND TIMING OF MEETINGS.—  
22       The Board shall meet in sessions open to the public  
23       at least three times per year in New Mexico. Upon  
24       a majority vote made in open session, and a public  
25       statement of the reasons therefore, the Board may

1 close any other meetings to the public: *Provided*,  
2 That any final decision of the Board to adopt or  
3 amend the comprehensive management program  
4 under section 108(d) or to approve any activity re-  
5 lated to the management of the land or resources of  
6 the Preserve shall be made in open public session.

7 (2) PUBLIC INFORMATION.—In addition to  
8 other requirements of applicable law, the Board shall  
9 establish procedures for providing appropriate public  
10 information and periodic opportunities for public  
11 comment regarding the management of the Preserve.

12 **SEC. 108. RESOURCE MANAGEMENT.**

13 (a) ASSUMPTION OF MANAGEMENT.—The Trust  
14 shall assume all authority provided by this title to manage  
15 the Preserve upon a determination by the Secretary, which  
16 to the maximum extent practicable shall be made within  
17 60 days after the appointment of the Board, that—

18 (1) the Board is duly appointed, and able to  
19 conduct business; and  
20 (2) provision has been made for essential man-  
21 agement services.

22 (b) MANAGEMENT RESPONSIBILITIES.—Upon as-  
23 sumption of management of the Preserve under subsection  
24 (a), the Trust shall manage the land and resources of the

1 Preserve and the use thereof including, but not limited  
2 to such activities as—

3 (1) administration of the operations of the Pre-  
4 serve;

5 (2) preservation and development of the land  
6 and resources of the Preserve;

7 (3) interpretation of the Preserve and its his-  
8 tory for the public;

9 (4) management of public use and occupancy of  
10 the Preserve; and

11 (5) maintenance, rehabilitation, repair, and im-  
12 provement of property within the Preserve.

13 (c) AUTHORITIES.—

14 (1) IN GENERAL.—The Trust shall develop pro-  
15 grams and activities at the Preserve, and shall have  
16 the authority to negotiate directly and enter into  
17 such agreements, leases, contracts and other ar-  
18 rangements with any person, firm, association, orga-  
19 nization, corporation or governmental entity, includ-  
20 ing without limitation, entities of Federal, State, and  
21 local governments, and consultation with Indian  
22 tribes and pueblos, as are necessary and appropriate  
23 to carry out its authorized activities or fulfill the  
24 purposes of this title. Any such agreements may be

1       entered into without regard to section 321 of the Act  
2       of June 30, 1932 (40 U.S.C. 303b).

3                   (2) PROCEDURES.—The Trust shall establish  
4       procedures for entering into lease agreements and  
5       other agreements for the use and occupancy of facili-  
6       ties of the Preserve. The procedures shall ensure  
7       reasonable competition, and set guidelines for deter-  
8       mining reasonable fees, terms, and conditions for  
9       such agreements.

10                  (3) LIMITATIONS.—The Trust may not dispose  
11       of any real property in, or convey any water rights  
12       appurtenant to the Preserve. The Trust may not  
13       convey any easement, or enter into any contract,  
14       lease, or other agreement related to use and occu-  
15       pancy of property within the Preserve for a period  
16       greater than 10 years. Any such easement, contract,  
17       lease, or other agreement shall provide that, upon  
18       termination of the Trust, such easement, contract,  
19       lease or agreement is terminated.

20                  (4) APPLICATION OF PROCUREMENT LAWS.—

21                   (A) IN GENERAL.—Notwithstanding any  
22       other provision of law, Federal laws and regula-  
23       tions governing procurement by Federal agen-  
24       cies shall not apply to the Trust, with the ex-  
25       ception of laws and regulations related to Fed-

1           eral Government contracts governing health and  
2           safety requirements, wage rates, and civil  
3           rights.

4           (B) PROCEDURES.—The Trust, in con-  
5           sultation with the Administrator of Federal  
6           Procurement Policy, Office of Management and  
7           Budget, shall establish and adopt procedures  
8           applicable to the Trust's procurement of goods  
9           and services, including the award of contracts  
10           on the basis of contractor qualifications, price,  
11           commercially reasonable buying practices, and  
12           reasonable competition.

13           (d) MANAGEMENT PROGRAM.—Within two years  
14           after assumption of management responsibilities for the  
15           Preserve, the Trust shall, in accordance with subsection  
16           (f), develop a comprehensive program for the management  
17           of lands, resources, and facilities within the Preserve to  
18           carry out the purposes under section 105(b). To the extent  
19           consistent with such purposes, such program shall provide  
20           for—

21           (1) operation of the Preserve as a working  
22           ranch, consistent with paragraphs (2) through (4);  
23           (2) the protection and preservation of the sce-  
24           nic, geologic, watershed, fish, wildlife, historic, cul-  
25           tural and recreational values of the Preserve;

3 (4) public use of and access to the Preserve for  
4 recreation;

5 (5) renewable resource utilization and manage-  
6 ment alternatives that, to the extent practicable—

7 (A) benefit local communities and small  
8 businesses;

(B) enhance coordination of management objectives with those on surrounding National Forest System land; and

12 (C) provide cost savings to the Trust  
13 through the exchange of services, including but  
14 not limited to labor and maintenance of facil-  
15 ties, for resources or services provided by the  
16 Trust; and

17 (6) optimizing the generation of income based  
18 on existing market conditions, to the extent that it  
19 does not unreasonably diminish the long-term scenic  
20 and natural values of the area, or diminish the mul-  
21 tiple use and sustained yield capability of the land.

22 (e) PUBLIC USE AND RECREATION.—

1 consistent with the other purposes under section  
2 105(b). The Trust is expressly authorized to con-  
3 struct and upgrade roads and bridges, and provide  
4 other facilities for activities including, but not lim-  
5 ited to camping and picnicking, hiking, and cross  
6 country skiing. Roads, trails, bridges, and rec-  
7 reational facilities constructed within the Preserve  
8 shall meet public safety standards applicable to units  
9 of the National Forest System and the State of New  
10 Mexico.

11 (2) FEES.—Notwithstanding any other provi-  
12 sion of law, the Trust is authorized to assess reason-  
13 able fees for admission to, and the use and occu-  
14 pancy of, the Preserve: *Provided*, That admission  
15 fees and any fees assessed for recreational activities  
16 shall be implemented only after public notice and a  
17 period of not less than 60 days for public comment.

18 (3) PUBLIC ACCESS.—Upon the acquisition of  
19 the Baca ranch under section 104(a), and after an  
20 interim planning period of no more than two years,  
21 the public shall have reasonable access to the Pre-  
22 serve for recreation purposes. The Secretary, prior  
23 to assumption of management of the Preserve by the  
24 Trust, and the Trust thereafter, may reasonably  
25 limit the number and types of recreational admis-

1 sions to the Preserve, or any part thereof, based on  
2 the capability of the land, resources, and facilities.  
3 The use of reservation or lottery systems is expressly  
4 authorized to implement this paragraph.

5 (f) APPLICABLE LAWS.—

6 (1) IN GENERAL.—The Trust, and the Sec-  
7 retary in accordance with section 109(b), shall ad-  
8 minister the Preserve in conformity with this title  
9 and all laws pertaining to the National Forest Sys-  
10 tem, except the Forest and Rangeland Renewable  
11 Resources Planning Act of 1974, as amended (16  
12 U.S.C. 1600 et seq.).

13 (2) ENVIRONMENTAL LAWS.—The Trust shall  
14 be deemed a Federal agency for the purposes of  
15 compliance with Federal environmental laws.

16 (3) CRIMINAL LAWS.—All criminal laws relating  
17 to Federal property shall apply to the same extent  
18 as on adjacent units of the National Forest System.

19 (4) REPORTS ON APPLICABLE RULES AND REG-  
20 ULATIONS.—The Trust may submit to the Secretary  
21 and the Committees of Congress a compilation of  
22 applicable rules and regulations which in the view of  
23 the Trust are inappropriate, incompatible with this  
24 title, or unduly burdensome.

(5) CONSULTATION WITH TRIBES AND PUEBLOS.—The Trust is authorized and directed to cooperate and consult with Indian tribes and pueblos on management policies and practices for the Preserve which may affect them. The Trust is authorized to allow the use of lands within the Preserve for religious and cultural uses by Native Americans and, in so doing, may set aside places and times of exclusive use consistent with the American Indian Religious Freedom Act (42 U.S.C. 1996 (note)) and other applicable statutes.

16 (g) LAW ENFORCEMENT AND FIRE MANAGEMENT.—  
17 The Secretary shall provide law enforcement services  
18 under a cooperative agreement with the Trust to the ex-  
19 tent generally authorized in other units of the National  
20 Forest System. At the request of the Trust, the Secretary  
21 may provide fire presuppression, fire suppression, and re-  
22 habilitation services: *Provided*, That the Trust shall reim-  
23 burse the Secretary for salaries and expenses of fire man-  
24 agement personnel, commensurate with services provided.

1 **SEC. 109. AUTHORITIES OF THE SECRETARY.**

2 (a) IN GENERAL.—Notwithstanding the assumption  
3 of management of the Preserve by the Trust, the Sec-  
4 retary is authorized to—

5 (1) issue any rights-of-way, as defined in the  
6 Federal Land Policy and Management Act of 1976,  
7 of over 10 years duration, in cooperation with the  
8 Trust, including, but not limited to, road and utility  
9 rights-of-way, and communication sites;

10 (2) issue orders under and enforce prohibitions  
11 generally applicable on other units of the National  
12 Forest System, in cooperation with the Trust;

13 (3) exercise the authorities of the Secretary  
14 under the Wild and Scenic Rivers Act (16 U.S.C.  
15 1278, et seq.) and the Federal Power Act (16  
16 U.S.C. 797, et seq.), in cooperation with the Trust;

17 (4) acquire the mineral rights referred to in  
18 section 104(e);

19 (5) provide law enforcement and fire manage-  
20 ment services under section 108(g);

21 (6) at the request of the Trust, exchange land  
22 or interests in land within the Preserve under laws  
23 generally applicable to other units of the National  
24 Forest System, or otherwise dispose of land or inter-  
25 ests in land within the Preserve under Public Law  
26 97–465 (16 U.S.C. 521c through 521i);

4 (8) retain title to and control over fossils and  
5 archaeological artifacts found within the Preserve;

6 (9) at the request of the Trust, construct and  
7 operate a visitors' center in or near the Preserve,  
8 subject to the availability of appropriated funds;

13 (11) conduct such other activities for which ex-  
14 press authorization is provided to the Secretary by  
15 this title.

16 (b) INTERIM MANAGEMENT.—

1 Trust upon its assumption of management of the  
2 Preserve.

3 (2) USE OF THE FUND.—All monies received by  
4 the Secretary from the management of the Preserve  
5 during the interim period under paragraph (1) shall  
6 be deposited into the “Valles Caldera Fund” estab-  
7 lished under section 106(h)(2), and such monies in  
8 the fund shall be available to the Secretary, without  
9 further appropriation, for the purpose of managing  
10 the Preserve in accordance with the responsibilities  
11 and authorities provided to the Trust under section  
12 108.

13 (c) SECRETARIAL AUTHORITY.—The Secretary re-  
14 tains the authority to suspend any decision of the Board  
15 with respect to the management of the Preserve if he finds  
16 that the decision is clearly inconsistent with this title.  
17 Such authority shall only be exercised personally by the  
18 Secretary, and may not be delegated. Any exercise of this  
19 authority shall be in writing to the Board, and notification  
20 of the decision shall be given to the Committees of Con-  
21 gress. Any suspended decision shall be referred back to  
22 the Board for reconsideration.

23 (d) ACCESS.—The Secretary shall at all times have  
24 access to the Preserve for administrative purposes.

1 **SEC. 110. TERMINATION OF THE TRUST.**

2 (a) IN GENERAL.—The Valles Caldera Trust shall  
3 terminate at the end of the twentieth full fiscal year fol-  
4 lowing acquisition of the Baca ranch under section 104(a).

5 (b) RECOMMENDATIONS.—

6 (1) BOARD.—

7 (A) If after the fourteenth full fiscal years  
8 from the date of acquisition of the Baca ranch  
9 under section 104(a), the Board believes the  
10 Trust has met the goals and objectives of the  
11 comprehensive management program under sec-  
12 tion 108(d), but has not become financially self-  
13 sustaining, the Board may submit to the Com-  
14 mittees of Congress, a recommendation for au-  
15 thorization of appropriations beyond that pro-  
16 vided under this title.

17 (B) During the eighteenth full fiscal year  
18 from the date of acquisition of the Baca ranch  
19 under section 104(a), the Board shall submit to  
20 the Secretary its recommendation that the  
21 Trust be either extended or terminated includ-  
22 ing the reasons for such recommendation.

23 (2) SECRETARY.—Within 120 days after receipt  
24 of the recommendation of the Board under para-  
25 graph (1)(B), the Secretary shall submit to the  
26 Committees of Congress the Board's recommenda-

1       tion on extension or termination along with the rec-  
2       ommendation of the Secretary with respect to the  
3       same and stating the reasons for such recommenda-  
4       tion.

5       (c) EFFECT OF TERMINATION.—In the event of ter-  
6       mination of the Trust, the Secretary shall assume all man-  
7       agement and administrative functions over the Preserve,  
8       and it shall thereafter be managed as a part of the Santa  
9       Fe National Forest, subject to all laws applicable to the  
10      National Forest System.

11      (d) ASSETS.—In the event of termination of the  
12      Trust, all assets of the Trust shall be used to satisfy any  
13      outstanding liabilities, and any funds remaining shall be  
14      transferred to the Secretary for use, without further ap-  
15      propriation, for the management of the Preserve.

16      (e) VALLES CALDERA FUND.—In the event of termi-  
17      nation, the Secretary shall assume the powers of the Trust  
18      over funds under section 106(h), and the Valles Caldera  
19      Fund shall not terminate. Any balances remaining in the  
20      fund shall be available to the Secretary, without further  
21      appropriation, for any purpose consistent with the pur-  
22      poses of this title.

23      **SEC. 111. LIMITATIONS ON FUNDING.**

24      (a) AUTHORIZATION OF APPROPRIATIONS.—There is  
25      hereby authorized to be appropriated to the Secretary and

1 the Trust such funds as are necessary for them to carry  
2 out the purposes of this title for each of the 15 full fiscal  
3 years after the date of acquisition of the Baca ranch under  
4 section 104(a).

5 (b) SCHEDULE OF APPROPRIATIONS.—Within two  
6 years after the first meeting of the Board, the Trust shall  
7 submit to Congress a plan which includes a schedule of  
8 annual decreasing appropriated funds that will achieve, at  
9 a minimum, the financially self-sustained operation of the  
10 Trust within 15 full fiscal years after the date of acqui-  
11 sition of the Baca ranch under section 104(a).

12 **SEC. 112. GENERAL ACCOUNTING OFFICE STUDY.**

13 (a) INITIAL STUDY.—Three years after the assump-  
14 tion of management by the Trust, the General Accounting  
15 Office shall conduct an interim study of the activities of  
16 the Trust and shall report the results of the study to the  
17 Committees of Congress. The study shall include, but shall  
18 not be limited to, details of programs and activities oper-  
19 ated by the Trust and whether it met its obligations under  
20 this title.

21 (b) SECOND STUDY.—Seven years after the assump-  
22 tion of management by the Trust, the General Accounting  
23 Office shall conduct a study of the activities of the Trust  
24 and shall report the results of the study to the Committees  
25 of Congress. The study shall provide an assessment of any

1 failure to meet obligations that may be identified under  
2 subsection (a), and further evaluation on the ability of the  
3 Trust to meet its obligations under this title.

4 **TITLE II—FEDERAL LAND  
5 TRANSACTION FACILITATION**

6 **SECTION 201. SHORT TITLE.**

7 This title may be cited as the “Federal Land Trans-  
8 action Facilitation Act”.

9 **SEC. 202. FINDINGS.**

10 Congress finds that—

11 (1) the Bureau of Land Management has au-  
12 thority under the Federal Land Policy and Manage-  
13 ment Act of 1976 (43 U.S.C. 1701 et seq.) to sell  
14 land identified for disposal under its land use plan-  
15 ning;

16 (2) the Bureau of Land Management has au-  
17 thority under that Act to exchange Federal land for  
18 non-Federal land if the exchange would be in the  
19 public interest;

20 (3) through land use planning under that Act,  
21 the Bureau of Land Management has identified cer-  
22 tain tracts of public land for disposal;

23 (4) the Federal land management agencies of  
24 the Departments of the Interior and Agriculture

1 have authority under existing law to acquire land  
2 consistent with the mission of each agency;

3 (5) the sale or exchange of land identified for  
4 disposal and the acquisition of certain non-Federal  
5 land from willing landowners would—

6 (A) allow for the reconfiguration of land  
7 ownership patterns to better facilitate resource  
8 management;

9 (B) contribute to administrative efficiency  
10 within Federal land management units; and

11 (C) allow for increased effectiveness of the  
12 allocation of fiscal and human resources within  
13 the Federal land management agencies;

14 (6) a more expeditious process for disposal and  
15 acquisition of land, established to facilitate a more  
16 effective configuration of land ownership patterns,  
17 would benefit the public interest;

18 (7) many private individuals own land within  
19 the boundaries of Federal land management units  
20 and desire to sell the land to the Federal Govern-  
21 ment;

22 (8) such land lies within national parks, na-  
23 tional monuments, national wildlife refuges, national  
24 forests, and other areas designated for special man-  
25 agement;

6 (10) in many cases, inholders and the Federal  
7 Government would mutually benefit from Federal  
8 acquisition of the land on a priority basis;

14 (12) using proceeds generated from the disposal  
15 of public land to purchase inholdings and other such  
16 land from willing sellers would enhance the ability of  
17 the Federal land management agencies to—

18 (A) work cooperatively with private land-  
19 owners and State and local governments; and

20 (B) promote consolidation of the ownership  
21 of public and private land in a manner that  
22 would allow for better overall resource manage-  
23 ment;

24 (13) in certain locations, the sale of public land  
25 that has been identified for disposal is the best way

1 for the public to receive fair market value for the  
2 land; and

3 (14) to allow for the least disruption of existing  
4 land and resource management programs, the Bu-  
5 reau of Land Management may use non-Federal en-  
6 tities to prepare appraisal documents for agency re-  
7 view and approval consistent with applicable provi-  
8 sions of the Uniform Standards for Federal Land  
9 Acquisition.

10 **SEC. 203. DEFINITIONS.**

11 In this title:

12 (1) **EXCEPTIONAL RESOURCE.**—The term “ex-  
13 ceptional resource” means a resource of scientific,  
14 historic, cultural, or recreational value that has been  
15 documented by a Federal, State, or local govern-  
16 mental authority, and for which extraordinary con-  
17 servation and protection is required to maintain the  
18 resource for the benefit of the public.

19 (2) **FEDERALLY DESIGNATED AREA.**—The term  
20 “federally designated area” means land in Alaska  
21 and the eleven contiguous Western States (as de-  
22 fined in section 103 of the Federal Land Policy and  
23 Management Act of 1976 (43 U.S.C. 1702)) that on  
24 the date of enactment of this Act was within the  
25 boundary of—

1 (A) a national monument, area of critical  
2 environmental concern, national conservation  
3 area, national riparian conservation area, na-  
4 tional recreation area, national scenic area, na-  
5 tional volcanic area, research natural area, na-  
6 tional outstanding natural area, or a national  
7 natural landmark managed by the Bureau of  
8 Land Management or under the National For-  
9 est System;

10 (B) a unit of the National Park System

11 (C) a unit of the National Wildlife Refuge  
12 System; or

13 (D) a wilderness area designated under the  
14 Wilderness Act (16 U.S.C. 1131 et seq.), the  
15 Wild and Scenic Rivers Act (16 U.S.C. 1271 et  
16 seq.), or the National Trails System Act (16  
17 U.S.C. 1241 et seq.), or areas of the National  
18 Forest System designated for special manage-  
19 ment by an Act of Congress,

24 (4) PUBLIC LAND.—The term “public land”  
25 means public lands (as defined in section 103 of the

1       Federal Land Policy and Management Act of 1976  
2       (43 U.S.C. 1702)).

3               (5) SECRETARY.—The term “Secretary” means  
4       the Secretary of the Interior.

5 **SEC. 204. IDENTIFICATION OF INHOLDINGS.**

6       (a) IN GENERAL.—The Secretary and the Secretary  
7       of Agriculture shall establish a procedure to—

8               (1) identify, by State, inholdings for which the  
9       landowner has indicated a desire to sell the land or  
10      an interest in land to the Federal Government; and  
11               (2) establish the date on which the land or in-  
12       terest in land identified became an inholding.

13       (b) NOTICE OF POLICY.—The Secretary and the Sec-  
14       retary of Agriculture shall provide, in the Federal Register  
15      and through such other means as the Secretaries may de-  
16       termine to be appropriate, periodic notice to the public of  
17       the policy under subsection (a), including any information  
18       required to consider an inholding for acquisition under  
19       section 206.

20       (c) IDENTIFICATION.—An inholding—

21               (1) shall be considered for identification under  
22       this section only if the Secretary or the Secretary of  
23       Agriculture receive notification of a desire to sell  
24       from the landowner in response to public notice  
25       given under subsection (b); and

1 (2) shall be deemed to have been established as  
2 of the later of—  
3 (A) the earlier of—  
4 (i) the date on which the land was  
5 withdrawn from the public domain; or  
6 (ii) the date on which the land was es-  
7 tablished or designated for special manage-  
8 ment; or  
9 (B) the date on which the inholding was  
10 acquired by the current owner.

11 (d) NO OBLIGATION TO CONVEY OR ACQUIRE.—The  
12 identification of an inholding under this section creates no  
13 obligation on the part of a landowner to convey the  
14 inholding or any obligation on the part of the United  
15 States to acquire the inholding.

## 16 SEC. 205. DISPOSAL OF PUBLIC LAND.

17 (a) IN GENERAL.—The Secretary shall establish a  
18 program, using funds made available under section 206,  
19 to complete appraisals and satisfy other legal require-  
20 ments for the sale or exchange of public land identified  
21 for disposal under approved land use plans (as in effect  
22 on the date of enactment of this Act) under section 202  
23 of the Federal Land Policy and Management Act of 1976  
24 (43 U.S.C. 1712).

25 (b) SALE OF PUBLIC LAND.—

5 (2) EXCEPTIONS TO COMPETITIVE BIDDING RE-  
6 QUIREMENTS.—The exceptions to competitive bid-  
7 ding requirements under section 203(f) of the Fed-  
8 eral Land Policy and Management Act of 1976 (43  
9 U.S.C. 1713(f)) shall apply to this section in cases  
10 in which the Secretary determines it to be necessary.

11 (c) REPORT IN PUBLIC LAND STATISTICS.—The Sec-  
12 retary shall provide in the annual publication of Public  
13 Land Statistics, a report of activities under this section.

14 (d) TERMINATION OF AUTHORITY.—The authority  
15 provided under this section shall terminate 10 years after  
16 the date of enactment of this Act.

## 17 SEC. 206. FEDERAL LAND DISPOSAL ACCOUNT.

18 (a) DEPOSIT OF PROCEEDS.—Notwithstanding any  
19 other law (except a law that specifically provides for a pro-  
20 portion of the proceeds to be distributed to any trust funds  
21 of any States), the gross proceeds of the sale or exchange  
22 of public land under this Act shall be deposited in a sepa-  
23 rate account in the Treasury of the United States to be  
24 known as the “Federal Land Disposal Account”.

1       (b) AVAILABILITY.—Amounts in the Federal Land  
2 Disposal Account shall be available to the Secretary and  
3 the Secretary of Agriculture, without further Act of appro-  
4 priation, to carry out this title.

5       (c) USE OF THE FEDERAL LAND DISPOSAL AC-  
6 COUNT.—

7           (1) IN GENERAL.—Funds in the Federal Land  
8 Disposal Account shall be expended in accordance  
9 with this subsection.

10          (2) FUND ALLOCATION.—

11           (A) PURCHASE OF LAND.—Except as au-  
12 thorized under subparagraph (C), funds shall  
13 be used to purchase—

14              (i) inholdings; and  
15              (ii) land that is adjacent to federally  
16 designated areas and contains exceptional  
17 resources.

18           (B) INHOLDINGS.—Not less than 80 per-  
19 cent of the funds allocated for the purchase of  
20 land within each State shall be used to acquire  
21 inholdings identified under section 204.

22           (C) ADMINISTRATIVE AND OTHER EX-  
23 PENSES.—An amount not to exceed 20 percent  
24 of the funds in the Federal Land Disposal Ac-  
25 count shall be used by the Secretary for admin-

1 istrative and other expenses necessary to carry  
2 out the land disposal program under section  
3 205.

4 (D) SAME STATE PURCHASES.—Of the  
5 amounts not used under subparagraph (C), not  
6 less than 80 percent shall be expended within  
7 the State in which the funds were generated.  
8 Any remaining funds may be expended in any  
9 other State.

10 (3) PRIORITY.—The Secretary and the Sec-  
11 retary of Agriculture may each develop and use cri-  
12 teria for priority of acquisition that are based on—

13 (A) the date on which land or interest in  
14 land became an inholding;

15 (B) the existence of exceptional resources  
16 on the land; and

17 (C) management efficiency.

18 (4) BASIS OF SALE.—Any acquisition of land  
19 under this section shall be—

20 (A) from a willing seller;

21 (B) contingent on the conveyance of title  
22 acceptable to the Secretary, or the Secretary of  
23 Agriculture in the case of an acquisition of Na-  
24 tional Forest System land, using title standards  
25 of the Attorney General; and

1 (C) at a price not to exceed fair market  
2 value consistent with applicable provisions of  
3 the Uniform Appraisal Standards for Federal  
4 Land Acquisitions.

5 (d) CONTAMINATED SITES AND SITES DIFFICULT  
6 AND UNECONOMIC TO MANAGE.—Funds in the Federal  
7 Land Disposal Account shall not be used to purchase land  
8 or an interest in land that, as determined by the Secretary  
9 or the Secretary of Agriculture—

10 (1) contains a hazardous substances or is other-  
11 wise contaminated; or

12 (2) because of the location or other characteris-  
13 tics of the land, would be difficult or uneconomic to  
14 manage as Federal land.

15 (e) LAND AND WATER CONSERVATION FUND ACT.—

16 Funds made available under this section shall be supple-  
17 mental to any funds appropriated under the Land and  
18 Water Conservation Fund Act (16 U.S.C. 460l-4 et seq.).

19 (f) TERMINATION.—On termination of activities  
20 under section 5—

23 (2) any remaining balance in the account shall  
24 become available for appropriation under section 3

1 of the Land and Water Conservation Fund Act (16  
2 U.S.C. 460l–6).

3 **SEC. 207. SPECIAL PROVISIONS.**

4 (a) IN GENERAL.—Nothing in this title provides an  
5 exemption from any limitation on the acquisition of land  
6 or interest in land under any Federal Law in effect on  
7 the date of enactment of this Act.

8 (b) OTHER LAW.—This title shall not apply to land  
9 eligible for sale under—

10 (1) Public Law 96–568 (commonly known as  
11 the “Santini-Burton Act”) (94 Stat. 3381); or  
12 (2) the Southern Nevada Public Land Manage-  
13 ment Act of 1998 (112 Stat. 2343).

14 (c) EXCHANGES.—Nothing in this title precludes,  
15 preempts, or limits the authority to exchange land under  
16 authorities providing for the exchange of Federal lands,  
17 including but not limited to—

18 (1) the Federal Land Policy and Management  
19 Act of 1976 (43 U.S.C. 1701 et seq.); or

20 (2) the Federal Land Exchange Facilitation Act  
21 of 1988 (102 Stat. 1086) or the amendments made  
22 by that Act.

23 (d) NO NEW RIGHT OR BENEFIT.—Nothing in this  
24 Act creates a right or benefit, substantive or procedural,  
25 enforceable at law or in equity by a party against the

1 United States, its agencies, its officers, or any other per-  
2 son.

○