

113TH CONGRESS  
1ST SESSION

# H. R. 995

To establish a monument in Dona Ana County, New Mexico, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 2013

Mr. PEARCE introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To establish a monument in Dona Ana County, New Mexico, 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 “Organ Mountains Na-  
5 tional Monument Establishment Act”.

6 **SEC. 2. DEFINITIONS.**

7 For the purposes of this Act:

8 (1) CITY.—The term “City” means the city of  
9 Las Cruces, New Mexico.

1           (2) COUNTY.—The term “County” means Dona  
2 Ana County, New Mexico.

3           (3) MANAGEMENT PLAN.—The term “manage-  
4 ment plan” means the management plan developed  
5 pursuant to this Act.

6           (4) MAP.—The term “map” means the map ti-  
7 tled “Organ Mountains National Monument” and  
8 dated February 6, 2013.

9           (5) MONUMENT.—The term “monument”  
10 means the national monument established by this  
11 Act.

12           (6) SECRETARY.—The term “Secretary” means  
13 the Secretary of the Interior, acting through the Di-  
14 rector of the Bureau of Land Management.

15           (7) STATE DIRECTOR.—The term “State Direc-  
16 tor” means the New Mexico State Director of the  
17 Bureau of Land Management.

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

20 **SEC. 3. WATER RIGHTS.**

21 Nothing in this Act shall—

22           (1) constitute or be construed to constitute ei-  
23 ther an express or implied reservation by the United  
24 States of any water or water rights with respect to  
25 the lands within the monument; or

1           (2) affect any water rights existing on the date  
2           of the enactment of this Act, including any water  
3           right held by the United States.

4 **SEC. 4. ESTABLISHMENT OF MONUMENT.**

5           (a) IN GENERAL.—There is established the Organ  
6           Mountains monument in the State.

7           (b) AREA INCLUDED.—The monument shall consist  
8           of approximately 54,800 acres of public land in Dona Ana  
9           County in the State, as generally depicted on the map.

10 **SEC. 5. PURPOSES.**

11           The purposes of the monument are to conserve, pro-  
12           tect, and enhance the cultural, traditional, archaeological,  
13           natural, ecological, geological, historical, wildlife, livestock,  
14           watershed, educational, recreational, and scenic resources  
15           of the monument for the benefit and enjoyment of present  
16           and future generations.

17 **SEC. 6. MANAGEMENT OF MONUMENT.**

18           (a) IN GENERAL.—The Secretary shall manage the  
19           monument—

20                   (1) in a manner that conserves, protects, and  
21                   enhances the resources of the monument; and

22                   (2) in accordance with—

23                           (A) the Federal Land Policy and Manage-  
24                           ment Act of 1976 (43 U.S.C. 1701 et seq.);

25                           (B) this Act; and

1 (C) any other applicable laws.

2 (b) USES.—

3 (1) IN GENERAL.—The Secretary shall allow  
4 only such uses of the monument that the Secretary  
5 determines would further the purposes described in  
6 section 5.

7 (2) USE OF MOTORIZED VEHICLES.—Except as  
8 needed for administrative purposes or to respond to  
9 an emergency, the use of motorized vehicles in the  
10 monument shall be permitted only on roads des-  
11 ignated for use by motorized vehicles in the manage-  
12 ment plan. Nothing in this Act precludes the use of  
13 motorized vehicles or mechanical equipment for the  
14 construction or maintenance of range improvements  
15 or the performance of standard ranching operations  
16 or for the construction, maintenance, operation, or  
17 management of flood control or water conservation  
18 systems.

19 (3) NEW ROADS.—No additional road shall be  
20 built within the monument after the date of the en-  
21 actment of this Act unless the Secretary determines  
22 that the road is necessary for public safety or nat-  
23 ural resource protection.

24 (c) GRAZING.—The Secretary shall issue any grazing  
25 leases or permits in the monument in accordance with the

1 same laws and executive orders that apply to issuance by  
2 the Secretary of grazing leases and permits on other land  
3 under the jurisdiction of the Bureau of Land Manage-  
4 ment.

5 (d) UTILITY RIGHT-OF-WAYS.—Nothing in this sec-  
6 tion precludes the Secretary from authorizing, renewing  
7 or upgrading (including widening) a utility right-of-way  
8 through the monument in a manner that minimizes harm  
9 to the purposes of the monument in accordance with—

10 (1) the National Environmental Policy Act of  
11 1969 (42 U.S.C. 4321 et seq.);

12 (2) any other applicable law; and

13 (3) such terms and conditions as the Secretary  
14 determines to be appropriate.

15 **SEC. 7. MANAGEMENT PLAN.**

16 (a) IN GENERAL.—Not later than 3 years after the  
17 date of the enactment of this Act, the Secretary shall de-  
18 velop a management plan for the monument.

19 (b) CONSULTATION.—The management plan shall be  
20 developed in consultation with—

21 (1) State, tribal, and local governments;

22 (2) the public; and

23 (3) interested Federal agencies.

24 **SEC. 8. GENERAL PROVISIONS.**

25 (a) MAP AND LEGAL DESCRIPTION.—

1           (1) IN GENERAL.—As soon as practicable after  
2 the date of the enactment of this Act, the Secretary  
3 shall file the map and legal description of the monu-  
4 ment.

5           (2) FORCE AND EFFECT.—The map and legal  
6 description filed under paragraph (1) shall have the  
7 same force and effect as if included in this Act, ex-  
8 cept that the Secretary may correct errors in the  
9 map and legal description.

10          (3) PUBLIC AVAILABILITY.—The map and legal  
11 description filed under paragraph (1) shall be on file  
12 and available for public inspection in the appropriate  
13 offices of—

14                   (A) the Bureau of Land Management; and

15                   (B) the Office of the County Clerk of Dona  
16 Ana County, New Mexico.

17          (4) FISH AND WILDLIFE.—Nothing in this Act  
18 affects the jurisdiction of the State with respect to  
19 fish and wildlife located on public land in the State.

20          (5) NO BUFFER ZONES.—

21                   (A) IN GENERAL.—There shall be no buff-  
22 er zone around a monument.

23                   (B) ACTIVITIES OUTSIDE THE MONU-  
24 MENT.—The fact that an activity or use of land  
25 is not permitted on land within a monument

1 shall not preclude the activity or use outside the  
2 boundary of the monument or on private or  
3 State land within the monument, consistent  
4 with other applicable laws.

5 (6) WITHDRAWALS.—Subject to valid existing  
6 rights (including lease rights), all Federal land with-  
7 in the monument and any land and interests in land  
8 acquired for the monument by the United States  
9 after the date of the enactment of this Act are with-  
10 drawn from—

11 (A) all forms of entry, appropriation, or  
12 disposal under the public land laws;

13 (B) location, entry, and patent under the  
14 mining laws; and

15 (C) operation of the mineral leasing, min-  
16 eral materials, and geothermal leasing laws.

17 **SEC. 9. HUNTING AND TRAPPING.**

18 (a) IN GENERAL.—The Secretary shall allow hunting  
19 and trapping in the monument.

20 (b) LIMITATIONS.—

21 (1) REGULATIONS.—The Secretary may des-  
22 ignate by regulation areas in the monument in  
23 which, and establish periods during which no hunt-  
24 ing or trapping will be allowed for reasons of public

1 safety, administration, or compliance with applicable  
2 laws.

3 (2) CONSULTATION.—The Secretary shall ob-  
4 tain the concurrence of the appropriate State agency  
5 before promulgating regulations under paragraph  
6 (1) that close a portion of the monument to hunting  
7 or trapping.

8 **SEC. 10. RELEASE OF WILDERNESS STUDY AREA.**

9 For purposes of section 603 of the Federal Land Pol-  
10 icy and Management Act of 1976 (43 U.S.C. 1782), the  
11 Federal land in the following has been adequately studied  
12 for wilderness designation and shall no longer be subject  
13 to section 603(e) of the Federal Land Policy and Manage-  
14 ment Act of 1976 (43 U.S.C. 1782(e)):

15 (1) The Organ Mountains Wilderness Study  
16 Area.

17 (2) The Organ Needles Wilderness Study Area.

18 (3) The Pena Blanca Wilderness Study Area.

19 **SEC. 11. LAW ENFORCEMENT.**

20 Nothing in this Act, or regulations issued in further-  
21 ance of this Act, shall prevent Federal, State, or local law  
22 enforcement personnel from having unfettered access to  
23 the entire monument, including the use of motorized vehi-  
24 cles and specialized equipment.

1 **SEC. 12. NATIONAL LANDSCAPE CONSERVATION SYSTEM.**

2       The monument designated by this Act shall be ad-  
3 ministered as a component of the National Landscape  
4 Conservation System.

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