

Calendar No. 108

113TH CONGRESS
1ST SESSION**S. 241****[Report No. 113–54]**

To establish the Río Grande del Norte National Conservation Area in the State of New Mexico, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2013

Mr. UDALL of New Mexico (for himself and Mr. HEINRICH) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

JUNE 27, 2013

Reported by Mr. WYDEN, with an amendment and an amendment to the title
[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To establish the Río Grande del Norte National Conservation Area in the State of 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 “Río Grande del Norte
5 National Conservation Area Establishment Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) CONSERVATION AREA.—The term “Con-
4 servation Area” means the Río Grande del Norte
5 National Conservation Area established by section
6 3(a)(1).

7 (2) LAND GRANT COMMUNITY.—The term
8 “land grant community” means a member of the
9 Board of Trustees of confirmed and nonconfirmed
10 community land grants within the Conservation
11 Area.

12 (3) MANAGEMENT PLAN.—The term “manage-
13 ment plan” means the management plan for the
14 Conservation Area developed under section 3(d).

15 (4) MAP.—The term “map” means the map en-
16 titled “Río Grande del Norte National Conservation
17 Area” and dated May 22, 2012.

18 (5) SECRETARY.—The term “Secretary” means
19 the Secretary of the Interior.

20 (6) STATE.—The term “State” means the State
21 of New Mexico.

22 **SEC. 3. ESTABLISHMENT OF NATIONAL CONSERVATION**
23 **AREA.**

24 (a) ESTABLISHMENT.—

1 (1) IN GENERAL.—There is established the Río
 2 Grande del Norte National Conservation Area in the
 3 State.

4 (2) AREA INCLUDED.—The Conservation Area
 5 shall consist of approximately 235,980 acres of pub-
 6 lic land in Taos and Río Arriba counties in the
 7 State, as generally depicted on the map.

8 (b) PURPOSES.—The purposes of the Conservation
 9 Area are to conserve, protect, and enhance for the benefit
 10 and enjoyment of present and future generations the cul-
 11 tural, archaeological, natural, ecological, geological, histor-
 12 ical, wildlife, educational, recreational, and scenic re-
 13 sources of the Conservation Area.

14 (c) MANAGEMENT.—

15 (1) IN GENERAL.—The Secretary shall manage
 16 the Conservation Area—

17 (A) in a manner that conserves, protects,
 18 and enhances the resources of the Conservation
 19 Area; and

20 (B) in accordance with—

21 (i) the Federal Land Policy and Man-
 22 agement Act of 1976 (43 U.S.C. 1701 et
 23 seq.);

24 (ii) this Act; and

25 (iii) any other applicable laws.

(2) USES.—

(A) IN GENERAL.—The Secretary shall allow only such uses of the Conservation Area that the Secretary determines would further the purposes described in subsection (b).

(B) USE OF MOTORIZED VEHICLES.—

(i) IN GENERAL.—Except as needed for administrative purposes or to respond to an emergency, the use of motorized vehicles in the Conservation Area shall be permitted only on roads designated for use by motorized vehicles in the management plan.

(ii) NEW ROADS.—No additional road shall be built within the Conservation Area after the date of enactment of this Act unless the road is needed for public safety or natural resource protection.

(C) GRAZING.—The Secretary shall permit grazing within the Conservation Area, where established before the date of enactment of this Act—

(i) subject to all applicable laws (including regulations) and Executive orders; and

1 (ii) consistent with the purposes de-
 2 scribed in subsection (b).

3 ~~(D) COLLECTION OF PIÑON NUTS AND~~
 4 ~~FIREWOOD.~~—Nothing in this section precludes
 5 the traditional collection of firewood and piñon
 6 nuts for noncommercial personal use within the
 7 Conservation Area—

8 (i) in accordance with any applicable
 9 laws; and

10 (ii) subject to such terms and condi-
 11 tions as the Secretary determines to be ap-
 12 propriate.

13 ~~(E) UTILITY RIGHT-OF-WAY UPGRADES.~~—
 14 Nothing in this section precludes the Secretary
 15 from renewing or authorizing the upgrading
 16 (including widening) of an existing utility right-
 17 of-way through the Conservation Area in a
 18 manner that minimizes harm to the purposes of
 19 the Conservation Area described in subsection
 20 (b)—

21 (i) in accordance with—

22 (I) the National Environmental
 23 Policy Act of 1969 (42 U.S.C. 4321
 24 et seq.); and

25 (II) any other applicable law; and

(ii) subject to such terms and conditions as the Secretary determines to be appropriate.

~~(F)~~ TRIBAL CULTURAL USES.—

(i) ACCESS.—The Secretary shall, in consultation with Indian tribes or pueblos—

(I) ensure the protection of religious and cultural sites in the Conservation Area; and

(II) provide access to the sites by members of Indian tribes or pueblos for traditional cultural and customary uses, consistent with Public Law 95–341 (commonly known as the “American Indian Religious Freedom Act”) (42 U.S.C. 1996).

(ii) TEMPORARY CLOSURES.—In accordance with Public Law 95–341 (commonly known as the “American Indian Religious Freedom Act”) (42 U.S.C. 1996), the Secretary, on request of an Indian tribe or pueblo, may temporarily close to general public use 1 or more specific areas of the Conservation Area in order to pro-

1 tect traditional cultural and customary
 2 uses in those areas by members of the In-
 3 dian tribe or the pueblo.

4 ~~(d) MANAGEMENT PLAN.—~~

5 ~~(1) IN GENERAL.—~~Not later than 3 years after
 6 the date of enactment of this Act, the Secretary
 7 shall develop a management plan for the Conserva-
 8 tion Area.

9 ~~(2) OTHER PLANS.—~~To the extent consistent
 10 with this Act, the plan may incorporate in the man-
 11 agement plan the Río Grande Corridor Management
 12 Plan in effect on the date of enactment of this Act.

13 ~~(3) CONSULTATION.—~~The management plan
 14 shall be developed in consultation with—

15 ~~(A)~~ State and local governments;

16 ~~(B)~~ tribal governmental entities;

17 ~~(C)~~ land grant communities; and

18 ~~(D)~~ the public.

19 ~~(4) CONSIDERATIONS.—~~In preparing and imple-
 20 menting the management plan, the Secretary shall
 21 consider the recommendations of Indian tribes and
 22 pueblos on methods for—

23 ~~(A)~~ ensuring access to religious and cul-
 24 tural sites;

1 ~~(B) enhancing the privacy and continuity~~
 2 ~~of traditional cultural and religious activities in~~
 3 ~~the Conservation Area; and~~

4 ~~(C) protecting traditional cultural and reli-~~
 5 ~~gious sites in the Conservation Area.~~

6 ~~(c) INCORPORATION OF ACQUIRED LAND AND INTER-~~
 7 ~~ESTS IN LAND.—Any land that is within the boundary of~~
 8 ~~the Conservation Area that is acquired by the United~~
 9 ~~States shall—~~

10 ~~(1) become part of the Conservation Area; and~~

11 ~~(2) be managed in accordance with—~~

12 ~~(A) this Act; and~~

13 ~~(B) any other applicable laws.~~

14 ~~(f) SPECIAL MANAGEMENT AREAS.—~~

15 ~~(1) IN GENERAL.—The establishment of the~~
 16 ~~Conservation Area shall not change the management~~
 17 ~~status of any area within the boundary of the Con-~~
 18 ~~servation Area that is—~~

19 ~~(A) designated as a component of the Na-~~
 20 ~~tional Wild and Scenic Rivers System under the~~
 21 ~~Wild and Scenic Rivers Act (16 U.S.C. 1271 et~~
 22 ~~seq.); or~~

23 ~~(B) managed as an area of critical environ-~~
 24 ~~mental concern.~~

1 (2) ~~CONFLICT OF LAWS.~~—If there is a conflict
 2 between the laws applicable to the areas described in
 3 paragraph (1) and this Act, the more restrictive pro-
 4 vision shall control.

5 **SEC. 4. DESIGNATION OF WILDERNESS AREAS.**

6 (a) ~~IN GENERAL.~~—In accordance with the Wilderness
 7 Act (16 U.S.C. 1131 et seq.), the following areas in the
 8 Conservation Area are designated as wilderness and as
 9 components of the National Wilderness Preservation Sys-
 10 tem:

11 (1) ~~CERRO DEL YUTA WILDERNESS.~~—Certain
 12 land administered by the Bureau of Land Manage-
 13 ment in Taos County, New Mexico, comprising ap-
 14 proximately 13,420 acres as generally depicted on
 15 the map, which shall be known as the “Cerro del
 16 Yuta Wilderness”.

17 (2) ~~RÍO SAN ANTONIO WILDERNESS.~~—Certain
 18 land administered by the Bureau of Land Manage-
 19 ment in Río Arriba County, New Mexico, comprising
 20 approximately 8,000 acres, as generally depicted on
 21 the map, which shall be known as the “Río San An-
 22 tonio Wilderness”.

23 (b) ~~MANAGEMENT OF WILDERNESS AREAS.~~—Subject
 24 to valid existing rights, the wilderness areas designated
 25 by subsection (a) shall be administered in accordance with

1 the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act,
 2 except that with respect to the wilderness areas designated
 3 by this Act—

4 (1) any reference to the effective date of the
 5 Wilderness Act shall be considered to be a reference
 6 to the date of enactment of this Act; and

7 (2) any reference in the Wilderness Act to the
 8 Secretary of Agriculture shall be considered to be a
 9 reference to the Secretary.

10 ~~(c) INCORPORATION OF ACQUIRED LAND AND INTER-~~
 11 ~~ESTS IN LAND.~~—Any land or interest in land within the
 12 boundary of the wilderness areas designated by subsection
 13 ~~(a)~~ that is acquired by the United States shall—

14 ~~(1)~~ become part of the wilderness area in which
 15 the land is located; and

16 ~~(2)~~ be managed in accordance with—

17 ~~(A)~~ the Wilderness Act (16 U.S.C. 1131 et
 18 seq.);

19 ~~(B)~~ this Act; and

20 ~~(C)~~ any other applicable laws.

21 ~~(d) GRAZING.~~—Grazing of livestock in the wilderness
 22 areas designated by subsection ~~(a)~~, where established be-
 23 fore the date of enactment of this Act, shall be adminis-
 24 tered in accordance with—

1 (1) section 4(d)(4) of the Wilderness Act (16
2 U.S.C. 1133(d)(4)); and

3 (2) the guidelines set forth in appendix A of the
4 Report of the Committee on Interior and Insular Af-
5 fairs to accompany H.R. 2570 of the 101st Congress
6 (H. Rept. 101-405).

7 (e) BUFFER ZONES.—

8 (1) IN GENERAL.—Nothing in this section cre-
9 ates a protective perimeter or buffer zone around
10 any wilderness area designated by subsection (a).

11 (2) ACTIVITIES OUTSIDE WILDERNESS
12 AREAS.—The fact that an activity or use on land
13 outside any wilderness area designated by subsection
14 (a) can be seen or heard within the wilderness area
15 shall not preclude the activity or use outside the
16 boundary of the wilderness area.

17 (f) RELEASE OF WILDERNESS STUDY AREAS.—Con-
18 gress finds that, for purposes of section 603(e) of the Fed-
19 eral Land Policy and Management Act of 1976 (43 U.S.C.
20 1782(e)), the public land within the San Antonio Wilder-
21 ness Study Area not designated as wilderness by this sec-
22 tion—

23 (1) has been adequately studied for wilderness
24 designation;

1 (2) is no longer subject to section 603(c) of the
 2 Federal Land Policy and Management Act of 1976
 3 (43 U.S.C. 1782(c)); and

4 (3) shall be managed in accordance with this
 5 Act.

6 **SEC. 5. GENERAL PROVISIONS.**

7 (a) MAPS AND LEGAL DESCRIPTIONS.—

8 (1) IN GENERAL.—As soon as practicable after
 9 the date of enactment of this Act, the Secretary
 10 shall file the map and legal descriptions of the Con-
 11 servation Area and the wilderness areas designated
 12 by section 4(a) with—

13 (A) the Committee on Energy and Natural
 14 Resources of the Senate; and

15 (B) the Committee on Natural Resources
 16 of the House of Representatives.

17 (2) FORCE OF LAW.—The map and legal de-
 18 scriptions filed under paragraph (1) shall have the
 19 same force and effect as if included in this Act, ex-
 20 cept that the Secretary may correct errors in the
 21 legal description and map.

22 (3) PUBLIC AVAILABILITY.—The map and legal
 23 descriptions filed under paragraph (1) shall be on
 24 file and available for public inspection in the appro-
 25 priate offices of the Bureau of Land Management.

1 (b) NATIONAL LANDSCAPE CONSERVATION SYS-
 2 TEM.—The Conservation Area and the wilderness areas
 3 designated by section 4(a) shall be administered as compo-
 4 nents of the National Landscape Conservation System.

5 (c) FISH AND WILDLIFE.—Nothing in this Act af-
 6 fects the jurisdiction of the State with respect to fish and
 7 wildlife located on public land in the State, except that
 8 the Secretary, after consultation with the New Mexico De-
 9 partment of Game and Fish, may designate zones where,
 10 and establishing periods when, hunting shall not be al-
 11 lowed for reasons of public safety, administration, or pub-
 12 lic use and enjoyment.

13 (d) WITHDRAWALS.—Subject to valid existing rights,
 14 any Federal land within the Conservation Area and the
 15 wilderness areas designated by section 4(a), including any
 16 land or interest in land that is acquired by the United
 17 States after the date of enactment of this Act, is with-
 18 drawn from—

19 (1) entry, appropriation, or disposal under the
 20 public land laws;

21 (2) location, entry, and patent under the mining
 22 laws; and

23 (3) operation of the mineral leasing, mineral
 24 materials, and geothermal leasing laws.

1 (e) **TREATY RIGHTS.**—Nothing in this Act enlarges,
 2 diminishes, or otherwise modifies any treaty rights.

3 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated such sums
 5 as are necessary to carry out this Act.

6 **SECTION 1. SHORT TITLE.**

7 *This Act may be cited as the “Cerros del Norte Con-*
 8 *servation Act”.*

9 **SEC. 2. DEFINITIONS.**

10 *In this Act:*

11 (1) **MAP.**—*The term “map” means the map enti-*
 12 *tled “Río Grande del Norte National Monument Pro-*
 13 *posed Wilderness Areas” and dated May 2, 2013.*

14 (2) **SECRETARY.**—*The term “Secretary” means*
 15 *the Secretary of the Interior.*

16 (3) **WILDERNESS AREA.**—*The term “wilderness*
 17 *area” means a wilderness area designated by section*
 18 *3(a).*

19 **SEC. 3. DESIGNATION OF RÍO GRANDE DEL NORTE WILDER-**
 20 **NESS AREAS.**

21 (a) **IN GENERAL.**—*In accordance with the Wilderness*
 22 *Act (16 U.S.C. 1131 et seq.), the following areas in the Río*
 23 *Grande del Norte National Monument are designated as*
 24 *wilderness and as components of the National Wilderness*
 25 *Preservation System:*

1 (1) *CERRO DEL YUTA WILDERNESS.*—*Certain*
 2 *land administered by the Bureau of Land Manage-*
 3 *ment in Taos County, New Mexico, comprising ap-*
 4 *proximately 13,420 acres as generally depicted on the*
 5 *map, which shall be known as the “Cerro del Yuta*
 6 *Wilderness”.*

7 (2) *RÍO SAN ANTONIO WILDERNESS.*—*Certain*
 8 *land administered by the Bureau of Land Manage-*
 9 *ment in Río Arriba County, New Mexico, comprising*
 10 *approximately 8,000 acres, as generally depicted on*
 11 *the map, which shall be known as the “Río San Anto-*
 12 *nio Wilderness”.*

13 (b) *MANAGEMENT OF WILDERNESS AREAS.*—*Subject*
 14 *to valid existing rights, the wilderness areas shall be admin-*
 15 *istered in accordance with the Wilderness Act (16 U.S.C.*
 16 *1131 et seq.) and this Act, except that with respect to the*
 17 *wilderness areas designated by this Act—*

18 (1) *any reference to the effective date of the Wil-*
 19 *derness Act shall be considered to be a reference to the*
 20 *date of enactment of this Act; and*

21 (2) *any reference in the Wilderness Act to the*
 22 *Secretary of Agriculture shall be considered to be a*
 23 *reference to the Secretary.*

24 (c) *INCORPORATION OF ACQUIRED LAND AND INTER-*
 25 *ESTS IN LAND.*—*Any land or interest in land within the*

1 *boundary of the wilderness areas that is acquired by the*
 2 *United States shall—*

3 *(1) become part of the wilderness area in which*
 4 *the land is located; and*

5 *(2) be managed in accordance with—*

6 *(A) the Wilderness Act (16 U.S.C. 1131 et*
 7 *seq.);*

8 *(B) this Act; and*

9 *(C) any other applicable laws.*

10 *(d) GRAZING.—Grazing of livestock in the wilderness*
 11 *areas, where established before the date of enactment of this*
 12 *Act, shall be administered in accordance with—*

13 *(1) section 4(d)(4) of the Wilderness Act (16*
 14 *U.S.C. 1133(d)(4)); and*

15 *(2) the guidelines set forth in appendix A of the*
 16 *Report of the Committee on Interior and Insular Af-*
 17 *fairs to accompany H.R. 2570 of the 101st Congress*
 18 *(H. Rept. 101–405).*

19 *(e) BUFFER ZONES.—*

20 *(1) IN GENERAL.—Nothing in this Act creates a*
 21 *protective perimeter or buffer zone around the wilder-*
 22 *ness areas.*

23 *(2) ACTIVITIES OUTSIDE WILDERNESS AREAS.—*

24 *The fact that an activity or use on land outside a*
 25 *wilderness area can be seen or heard within the wil-*

1 *derness area shall not preclude the activity or use out-*
 2 *side the boundary of the wilderness area.*

3 *(f) RELEASE OF WILDERNESS STUDY AREAS.—Con-*
 4 *gress finds that, for purposes of section 603(c) of the Federal*
 5 *Land Policy and Management Act of 1976 (43 U.S.C.*
 6 *1782(c)), the public land within the San Antonio Wilder-*
 7 *ness Study Area not designated as wilderness by this sec-*
 8 *tion—*

9 *(1) has been adequately studied for wilderness*
 10 *designation;*

11 *(2) is no longer subject to section 603(c) of the*
 12 *Federal Land Policy and Management Act of 1976*
 13 *(43 U.S.C. 1782(c)); and*

14 *(3) shall be managed in accordance with this*
 15 *Act.*

16 *(g) MAPS AND LEGAL DESCRIPTIONS.—*

17 *(1) IN GENERAL.—As soon as practicable after*
 18 *the date of enactment of this Act, the Secretary shall*
 19 *file the map and legal descriptions of the wilderness*
 20 *areas with—*

21 *(A) the Committee on Energy and Natural*
 22 *Resources of the Senate; and*

23 *(B) the Committee on Natural Resources of*
 24 *the House of Representatives.*

1 (2) *FORCE OF LAW.*—*The map and legal descrip-*
 2 *tions filed under paragraph (1) shall have the same*
 3 *force and effect as if included in this Act, except that*
 4 *the Secretary may correct errors in the legal descrip-*
 5 *tion and map.*

6 (3) *PUBLIC AVAILABILITY.*—*The map and legal*
 7 *descriptions filed under paragraph (1) shall be on file*
 8 *and available for public inspection in the appropriate*
 9 *offices of the Bureau of Land Management.*

10 (h) *NATIONAL LANDSCAPE CONSERVATION SYSTEM.*—
 11 *The wilderness areas shall be administered as components*
 12 *of the National Landscape Conservation System.*

13 (i) *FISH AND WILDLIFE.*—*Nothing in this Act affects*
 14 *the jurisdiction of the State of New Mexico with respect to*
 15 *fish and wildlife located on public land in the State.*

16 (j) *WITHDRAWALS.*—*Subject to valid existing rights,*
 17 *any Federal land within the wilderness areas designated*
 18 *by subsection (a), including any land or interest in land*
 19 *that is acquired by the United States after the date of enact-*
 20 *ment of this Act, is withdrawn from—*

21 (1) *entry, appropriation, or disposal under the*
 22 *public land laws;*

23 (2) *location, entry, and patent under the mining*
 24 *laws; and*

- 1 (3) *operation of the mineral leasing, mineral*
2 *materials, and geothermal leasing laws.*
- 3 (k) *TREATY RIGHTS.—Nothing in this Act enlarges,*
4 *diminishes, or otherwise modifies any treaty rights.*

Amend the title so as to read: “A bill to establish certain wilderness areas in the Río Grande del Norte National Monument, New Mexico, and for other purposes.”.

Calendar No. 108

113TH CONGRESS
1ST Session

S. 241

[Report No. 113-54]

A BILL

To establish the Río Grande del Norte National
Conservation Area in the State of New Mexico,
and for other purposes.

JUNE 27, 2013

Reported with an amendment and an amendment to the
title