

Editorial Notes**AMENDMENTS**

1994—Subsec. (c). Pub. L. 103-437 in first sentence struck out “Select” before “Committee on Indian Affairs”.

§ 460jjj-1. Administration**(a) In general**

The Secretary shall administer the recreation area in accordance with this subchapter and the laws, rules, and regulations applicable to National Forest System lands in a manner that will further the purposes of the recreation area. Management of the natural resources within the recreation area shall be permitted only to the extent that such management is compatible with and does not impair the purposes for which the recreation area is established. Recreational activities within the recreation area shall include (but not be limited to) hiking, camping, hunting, fishing, skiing, backpacking, rock climbing, and swimming.

(b) Management plan

The Secretary shall, no later than 5 years after October 12, 1993, develop a management plan for the recreation area, as an amendment to the Santa Fe National Forest Land and Resource Management Plan, to reflect the establishment of the recreation area and to conform to the provisions of this subchapter. Nothing in this subchapter shall require the Secretary to revise the Santa Fe Forest Land and Resource Management Plan pursuant to section 1604 of this title. During development of the management plan for the recreation area, the Secretary shall study newly designated land within the recreation area, and adjacent national forest land.

(c) Cultural resources

In administering the recreation area, the Secretary shall give particular emphasis to the preservation, stabilization, and protection of cultural resources located within the recreation area in furtherance of the Archaeological Resources Protection Act of 1979 [16 U.S.C. 470aa et seq.], the National Historic Preservation Act,¹ and the Act of August 11, 1978 [42 U.S.C. 1996a] (commonly referred to as the “American Indian Religious Freedom Act”).

(d) Native Americans

(1) In recognition of the historic use of portions of the recreation area by Indian peoples for traditional cultural and customary uses, the Secretary shall, subject to the provisions of subsection (n) in consultation with local tribal leaders, ensure the protection of religious and cultural sites and provide access from time to time to those sites by Indian peoples for traditional cultural and customary uses. Such access shall be consistent with the purpose and intent of the Act of August 11, 1978 [42 U.S.C. 1996a] (commonly referred to as the “American Indian Religious Freedom Act”). The Secretary, in accordance with such Act, upon request of an Indian tribe or pueblo, may from time to time temporarily close to general public use one or

more specific portions of the recreational area in order to protect traditional and customary uses in such portions by Indian peoples.

(2) In preparing and implementing management plans for the recreation area, the Secretary shall request that the Governor of the Pueblo of Jemez and the chief executive officers of other appropriate Indian tribes and pueblos make recommendations on methods of—

(A) assuring access to religious and cultural sites;

(B) enhancing the privacy and continuity of traditional cultural and religious activities in the recreation area; and

(C) protecting traditional cultural and religious sites in the recreation area.

(e) Wildlife resources

In administering the recreation area, the Secretary shall give particular emphasis to the conservation and protection of wildlife resources, including species listed as sensitive by the Forest Service, within the recreation area and shall comply with applicable Federal and State laws relating to wildlife, including the Endangered Species Act of 1973 [16 U.S.C. 1531 et seq.].

(f) Hunting

The Secretary shall permit hunting and fishing on lands and waters under the jurisdiction of the Secretary within the recreation area in accordance with applicable Federal and State law.

(g) Timber harvesting

The Secretary may permit timber harvesting in the recreation area for commercial purposes, including (but not limited to) vigas, latillas, the gathering of fuelwood, and for purposes of public safety, recreation, wildlife, and administration, insofar as the harvesting is compatible with the purposes of the recreation area. Trees damaged or downed due to fire, disease, or insect infestation may be utilized, salvaged, or removed from the recreation area as authorized by the Secretary in furtherance of the purposes of this subchapter. Nothing in this subchapter shall be construed to affect the timber sales under contract on October 12, 1993. Nothing in this subchapter shall be construed to effect the Los Griegos timber sale in the Los Griegos Diversity Unit number 0322 as shown on the West Half Diversity Unit map of the Santa Fe National Forest dated November 1991; except that the Secretary shall manage such sale using uneven aged management including the individual tree selection method.

(h) Grazing

The Secretary may permit grazing within the recreation area in accordance with regulations prescribed by the Secretary. Riparian areas shall be managed in such a manner as to protect their important resource values.

(i) Transportation plan

(1) Within 1 year after October 12, 1993, the Secretary shall prepare a transportation plan that provides for the most efficient use of roads and trails to accomplish the purposes of this subchapter. The plan shall provide for a comprehensive trails system that provides for dispersed recreation while minimizing impact on significant archaeological and religious sites.

¹ See References in Text note below.

(2) The Secretary shall construct, maintain, and close roads within the recreation area after consultation with local tribal leaders and only in accordance with such plan.

(j) Recreational facilities

The Secretary shall provide for recreational facilities within the recreation area. Such facilities shall be constructed so as to minimize impacts on the scenic beauty, the natural character, and the archaeological and religious sites of the recreation area.

(k) Visitor facilities

The Secretary shall establish a visitor center and interpretive facilities in or near the recreation area for the purpose of providing for education relating to the interpretation of cultural and natural resources of the recreation area.

(l) Power transmission lines

In accordance with Federal and State laws and regulations, the Secretary may permit a utility corridor for high power electric transmission lines within the recreation area only when the Secretary determines that—

- (1) there is not a feasible alternative for the location of such corridor;
- (2) damage to the recreational and scenic quality and to the archaeological and religious sites of the recreation area will not be significant;
- (3) it is in the public interest that such corridor be located in the recreation area; and
- (4) a plan to minimize harm to the resources of the recreation area has been developed.

(m) Scientific investigations

The Secretary may permit scientific investigations within the recreation area upon the Secretary's determination that such investigations are in the public interest and are compatible with the purposes of this subchapter.

(n) Resource protection

The Secretary may designate zones where, and establish periods when, any activity otherwise permitted in the recreation area will not be permitted for reasons of public safety, administration, fish and wildlife management, protection of archaeological or cultural resources, or public use and enjoyment. Except in emergencies such designations by the Secretary shall be put into effect only after consultation with the appropriate State agencies, appropriate tribal leaders, and other affected parties.

(Pub. L. 103-104, §2, Oct. 12, 1993, 107 Stat. 1025.)

Editorial Notes

REFERENCES IN TEXT

The Archaeological Resources Protection Act of 1979, referred to in subsec. (c), is Pub. L. 96-95, Oct. 31, 1979, 93 Stat. 721, which is classified generally to chapter 1B (§470aa et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 470aa of this title and Tables.

The National Historic Preservation Act, referred to in subsec. (c), is Pub. L. 89-665, Oct. 15, 1966, 80 Stat. 915, which was classified generally to subchapter II (§470 et seq.) of chapter 1A of this title. The Act, except for section 1, was repealed and restated in division A (§300101 et seq.) of subtitle III of Title 54, National Park Service and Related Programs, by Pub. L. 113-287, §§3, 7, Dec.

19, 2014, 128 Stat. 3094, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

The American Indian Religious Freedom Act, referred to in subsecs. (c) and (d)(1), is Pub. L. 95-341, Aug. 11, 1978, 92 Stat. 469, which is classified to sections 1996 and 1996a of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1996 of Title 42 and Tables.

The Endangered Species Act of 1973, referred to in subsec. (e), is Pub. L. 93-205, Dec. 28, 1973, 87 Stat. 884, which is classified generally to chapter 35 (§1531 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of this title and Tables.

§ 460jjj-2. Minerals and mining

(a) Limitation on patent issuance

(1) Notwithstanding any other provision of law, no patents shall be issued after May 30, 1991, for any location or claim made in the recreation area under the mining laws of the United States.

(2) Notwithstanding any statute of limitations or similar restriction otherwise applicable, any party claiming to have been deprived of any property right by enactment of paragraph (1) may file in the United States Claims Court¹ a claim against the United States within 1 year after October 12, 1993, seeking compensation for such property right. The United States Claims Court¹ shall have jurisdiction to render judgment upon any such claim in accordance with section 1491 of title 28.

(b) Withdrawal

Subject to valid existing rights, after October 12, 1993, lands within the recreation area withdrawn from location under the general mining laws and from the operation of the mineral leasing, geothermal leasing, and mineral material disposal laws.

(c) Reclamation

No mining activity involving any surface disturbance of lands or waters within such area, including disturbance through subsidence, shall be permitted except in accordance with requirements imposed by the Secretary, including requirements for reasonable reclamation of disturbed lands to a visual and hydrological condition as close as practical to their premining condition.

(d) Mining claim validity review

The Secretary of Agriculture shall undertake and complete within 3 years after October 12, 1993, an expedited program to examine all unpatented mining claims, including those for which a patent application has been filed, within the recreation area. Upon determination by the Secretary of Agriculture that the elements of a contest are present, the Secretary of the Interior shall immediately determine the validity of such claims. If a claim is determined to be invalid, the Secretary shall promptly declare the claim to be null and void.

(e) Public purposes

The Secretary may utilize mineral materials from within the recreation area for public pur-

¹ See Change of Name note below.