

shall be incorporated within the conservation area and managed accordingly. In addition, any lands in that portion of the areas described in paragraph (1) lying in section 1, township 7N, range 9W, New Mexico Principal Meridian, not transferred to the Pueblo of Acoma pursuant to this subsection shall be added to and incorporated within the Cebolla Wilderness and managed accordingly.

(Pub. L. 100-225, title V, § 505, Dec. 31, 1987, 101 Stat. 1545.)

Editorial Notes

REFERENCES IN TEXT

The Federal Land Policy and Management Act of 1976, referred to in subsec. (a)(1)(B), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, which is classified principally to chapter 35 (§1701 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 43 and Tables.

§ 460uu-46. Exchanges and acquisitions generally; withdrawal

(a) Exchanges on basis of equal value; cash equalization; exceptions

All exchanges pursuant to this subchapter shall be made in a manner consistent with applicable provisions of law, including this subchapter, and unless otherwise specified in this subchapter shall be on the basis of equal value; either party to an exchange may pay or accept cash in order to equalize the value of the property exchange, except that if the parties agree to an exchange and the Secretary determines it is in the public interest, such exchange may be made for other than equal value.

(b) "Public lands" defined

For purposes of this subchapter, the term "public lands" shall have the same meaning as such term has when used in the Federal Land Policy and Management Act of 1976 [43 U.S.C. 1701 et seq.].

(c) Incorporation and management of after-acquired lands

Except as otherwise provided in section 460uu-45 of this title, any lands or interests therein within the boundaries of the monument or conservation area which after December 31, 1987, may be acquired by the United States shall be incorporated into the monument or conservation area, as the case may be, and managed accordingly, and all provisions of this subchapter and other laws applicable to the monument or the conservation area, as the case may be, shall apply to such incorporated lands.

(d) Prohibition on transfer of lands out of Federal ownership; withdrawal of lands from all forms of entry

(1) Except as otherwise provided in this subchapter, no federally-owned lands located within the boundaries of the monument or the conservation area shall be transferred out of Federal ownership, or be placed in trust for any Indian tribe or group, by exchange or otherwise.

(2) Except as otherwise provided in this subchapter, and subject to valid existing rights, all Federal lands within the monument and the

conservation area and all lands and interests therein which are acquired on and after December 31, 1987, by the United States are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws and from location, entry and patent under the mining laws, and from operation of the mineral leasing and geothermal leasing laws and all amendments thereto.

(e) Discrepancies in citation of acreage; maps as controlling

The acreages cited in this subchapter are approximate, and in the event of discrepancies between cited acreages and the lands depicted on referenced maps, the maps shall control.

(f) Acceptance of lands proposed for donation

The Secretary is authorized to accept any lands contiguous to the boundaries of the Pecos National Monument (as such boundaries were established on December 31, 1987) which may be proposed for donation to the United States. If acceptance of such lands proposed for donation would be in furtherance of the purposes for which the Pecos National Monument was established, the Secretary shall accept such lands, and upon such acceptance such lands shall be incorporated into such monument and managed accordingly.

(g) Redesignation and revision of boundaries of Capulin Mountain National Monument

(1) Capulin Mountain National Monument is hereby redesignated as Capulin Volcano National Monument.

(2) Any reference in any record, map, or other document of the United States of America to Capulin Mountain National Monument shall hereafter be deemed to be a reference to Capulin Volcano National Monument.

(3) Section 1 of the Act of September 5, 1962 (76 Stat. 436) is hereby amended by striking the remaining portion of section 1 after "boundaries of the monument" and inserting "shall include the lands and interests in lands as generally depicted on the map entitled 'Capulin Volcano National Monument Boundary Map' which is numbered 125-80,014 and dated January 1987."

(4) Jurisdiction over federally-owned lands within the revised boundaries of the monument is hereby transferred to the National Park Service, without monetary consideration, for administration as part of the monument.

(Pub. L. 100-225, title V, § 506, Dec. 31, 1987, 101 Stat. 1546.)

Editorial Notes

REFERENCES IN TEXT

The Federal Land Policy and Management Act of 1976, referred to in subsec. (b), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, which is classified principally to chapter 35 (§1701 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 43 and Tables.

Act of September 5, 1962, referred to in subsec. (g)(3), is Pub. L. 87-635, Sept. 5, 1962, 76 Stat. 436, which enacted provisions listed in the National Monuments Established Under Presidential Proclamation table set out under section 320301 of Title 54, National Park Service and Related Programs.

§ 460uu-47. Access**(a) Nonexclusive access by Indians for cultural and religious purposes**

In recognition of the past use of portions of the monument and the conservation area by Indian people for traditional cultural and religious purposes, the Secretary shall assure nonexclusive access to the monument and the conservation area by Indian people for traditional cultural and religious purposes, including the harvesting of pine nuts. Such access shall be consistent with the purpose and intent of the American Indian Religious Freedom Act of August 11, 1978 (42 U.S.C. 1996 [1996a]), and (with respect to areas designated as wilderness) the Wilderness Act (78 Stat. 890) [16 U.S.C. 1131 et seq.].

(b) Recommendations from Indian leaders regarding access and protection of cultural and religious sites

In preparing the plans for the monument and the conservation area pursuant to section 460uu-41 of this title, the Secretary shall request that the Governor of the Pueblo of Acoma and the chief executive officers of other appropriate Indian tribes make recommendations on methods of—

- (1) assuring access pursuant to subsection (a) of this section;
- (2) enhancing the privacy of traditional cultural and religious activities in the monument and the conservation area; and
- (3) protecting traditional cultural and religious sites in the monument and the conservation area.

(c) Temporary closure to public of lands for protection of religious activities

In order to implement this section and in furtherance of the American Indian Religious Freedom Act [42 U.S.C. 1996, 1996a], the Secretary, upon the request of an appropriate Indian tribe, may from time to time temporarily close to general public use one or more specific portions of the monument or the conservation area in order to protect the privacy of religious activities in such areas by Indian people. Any such closure shall be made so as to affect the smallest practicable area for the minimum period necessary for such purposes. Not later than seven days after the initiation of any such closure, the Secretary shall provide written notification of such action to the Energy and Natural Resources Committee of the United States Senate and the Natural Resources Committee of the House of Representatives.

(d) Advisory committee; membership

The Secretary is authorized to establish an advisory committee to advise the Secretary concerning the implementation of this section. Any such advisory committee shall include representatives of the Pueblo of Acoma, the Pueblo of Zuni, other appropriate Indian tribes and other persons or groups interested in the implementation of this section.

(Pub. L. 100-225, title V, §507, Dec. 31, 1987, 101 Stat. 1548; Pub. L. 103-437, §6(d)(19), Nov. 2, 1994, 108 Stat. 4584.)

Editorial Notes

REFERENCES IN TEXT

The American Indian Religious Freedom Act, referred to in subsecs. (a) and (c), 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 Wilderness Act, referred to in subsec. (a), is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, which is classified generally to chapter 23 (§1131 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1131 of this title and Tables.

AMENDMENTS

1994—Subsec. (c). Pub. L. 103-437 substituted “Natural Resources” for “Interior and Insular Affairs” before “Committee of the House”.

Statutory Notes and Related Subsidiaries

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 1013 of Title 5, Government Organization and Employees.

§ 460uu-48. Cooperative agreements with Federal, State and local public departments and agencies

In order to encourage unified and cost effective interpretation of prehistoric and historic civilizations in western New Mexico, the Secretary is authorized and encouraged to enter into cooperative agreements with other Federal, State and local public departments and agencies, Indian tribes, and nonprofit entities providing for the interpretation of prehistoric and historic civilizations in New Mexico and eastern Arizona. The Secretary may, pursuant to such agreements, cooperate in the development and operation of a multiagency orientation center and programs on lands and interests in lands inside and outside of the boundaries of the monument and the conservation area generally, with the concurrence of the owner or administrator thereof, and specifically in or near Grants, New Mexico, adjacent to Interstate 40 in accordance with the plan required pursuant to section 460uu-41 of this title.

(Pub. L. 100-225, title V, §508, Dec. 31, 1987, 101 Stat. 1548.)

§ 460uu-49. Water rights**(a) Reservation to United States of minimum amount of water required**

Congress expressly reserves to the United States the minimum amount of water required to carry out the purposes for which the national monument, the conservation area, and the wilderness areas are designated under this subchapter. The priority date of such reserved rights shall be December 31, 1987.