

in (except for land owned in fee by the Pueblo as of February 20, 2003), as well as related boundary, survey, trespass, and monetary damage claims, are permanently extinguished.

(c) Special use and crest facilities areas

Any Pueblo right, title and interest of any kind, including aboriginal claims, and related boundary, survey, trespass, and monetary damage claims, are permanently extinguished in and to—

- (1) the land described in the special use permit; and
- (2) the land on which the crest facilities are located.

(d) Pueblo agreement

As provided in the Settlement Agreement, the Pueblo has agreed to the relinquishment and extinguishment of those claims, rights, titles and interests extinguished pursuant to subsection¹ (a), (b), and (c).

(e) Consideration

The recognition of the Pueblo's rights and interests in sections 539m to 539m-12 of this title constitutes adequate consideration for the Pueblo's agreement to the extinguishment of the Pueblo's claims in this section and the right-of-way grants contained in section 539m-7 of this title, and it is the intent of Congress that those rights and interests may only be diminished by a future Act of Congress specifically authorizing diminishment of such rights, with express reference to sections 539m to 539m-12 of this title.

(Pub. L. 108-7, div. F, title IV, § 410, Feb. 20, 2003, 117 Stat. 290.)

Editorial Notes

REFERENCES IN TEXT

Sections 539m to 539m-12 of this title, referred to in subsec. (e), was in the original "this title", meaning title IV of div. F of Pub. L. 108-7, Feb. 20, 2003, 117 Stat. 279, which is classified generally to sections 539m to 539m-12 of this title. For complete classification of title IV to the Code, see Short Title note set out under section 539m of this title and Tables.

§ 539m-9. Construction

(a) Strict construction

Sections 539m to 539m-12 of this title recognize only enumerated rights and interests, and no additional rights, interests, obligations, or duties shall be created by implication.

(b) Existing rights

To the extent there exist within the Area as of February 20, 2003, any valid private property rights associated with private land that are not otherwise addressed in sections 539m to 539m-12 of this title, such rights are not modified or otherwise affected by sections 539m to 539m-12 of this title, nor is the exercise of any such right subject to the Pueblo's right to withhold consent to new uses in the Area as set forth in section 539m-3(a)(3)(A) of this title.

(c) Not precedent

The provisions of sections 539m to 539m-12 of this title creating certain rights and interests in

the National Forest System are uniquely suited to resolve the Pueblo's claim and the geographic and societal situation involved, and shall not be construed as precedent for any other situation involving management of the National Forest System.

(d) Fish and wildlife

Except as provided in section 539m-6(b)(2)(B) of this title, nothing in sections 539m to 539m-12 of this title shall be construed as affecting the responsibilities of the State of New Mexico with respect to fish and wildlife, including the regulation of hunting, fishing, or trapping within the Area.

(Pub. L. 108-7, div. F, title IV, § 411, Feb. 20, 2003, 117 Stat. 291.)

Editorial Notes

REFERENCES IN TEXT

Sections 539m to 539m-12 of this title, referred to in text, was in the original "this title", meaning title IV of div. F of Pub. L. 108-7, Feb. 20, 2003, 117 Stat. 279, which is classified generally to sections 539m to 539m-12 of this title. For complete classification of title IV to the Code, see Short Title note set out under section 539m of this title and Tables.

CODIFICATION

Section is comprised of section 411 of div. F of Pub. L. 108-7. Subsec. (e) of section 411 of div. F of Pub. L. 108-7 amended section 1746 of Title 43, Public Lands.

§ 539m-10. Judicial review

(a) Enforcement

A civil action to enforce the provisions of sections 539m to 539m-12 of this title may be brought to the extent permitted under chapter 7 of title 5. Judicial review shall be based on the administrative record and subject to the applicable standard of review set forth in section 706 of title 5.

(b) Waiver

A civil action may be brought against the Pueblo for declaratory judgment or injunctive relief under sections 539m to 539m-12 of this title, but no money damages, including costs or attorney's fees, may be imposed on the Pueblo as a result of such judicial action.

(c) Venue

Venue for any civil action provided for in this section, as well as any civil action to contest the constitutionality of sections 539m to 539m-12 of this title, shall lie only in the United States District Court for the District of New Mexico.

(Pub. L. 108-7, div. F, title IV, § 412, Feb. 20, 2003, 117 Stat. 291.)

Editorial Notes

REFERENCES IN TEXT

Sections 539m to 539m-12 of this title, referred to in text, was in the original "this title", meaning title IV of div. F of Pub. L. 108-7, Feb. 20, 2003, 117 Stat. 279, which is classified generally to sections 539m to 539m-12 of this title. For complete classification of title IV to the Code, see Short Title note set out under section 539m of this title and Tables.

¹ So in original. Probably should be "subsections".