

111TH CONGRESS
2D SESSION

H. R. 5334

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

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2010

Mr. LUJÁN (for himself and Mr. HEINRICH) introduced the following bill;
which was referred to the Committee on Natural Resources

A BILL

To establish the Rio 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”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) CONSERVATION AREA.—The term “Con-
9 servation Area” means the Río Grande del Norte

1 National Conservation Area established by section
2 3(a)(1).

3 (2) LAND GRANT COMMUNITY.—The term
4 “land grant community” means a member of the
5 Board of Trustees of confirmed or nonconfirmed
6 community land grants within the Conservation
7 Area.

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

11 (4) MAP.—The term “map” means the map en-
12 titled “Río Grande del Norte National Conservation
13 Area” and dated November 4, 2009.

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

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

18 **SEC. 3. ESTABLISHMENT OF NATIONAL CONSERVATION**

19 **AREA.**

20 (a) ESTABLISHMENT.—

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

24 (2) AREA INCLUDED.—The Conservation Area
25 shall consist of approximately 235,980 acres of pub-

1 lic land in Taos and Río Arriba counties in the
2 State, as generally depicted on the map.

3 (b) PURPOSES.—The purposes of the Conservation
4 Area are to conserve, protect, and enhance for the benefit
5 and enjoyment of present and future generations the cul-
6 tural, traditional, archaeological, natural, ecological, geo-
7 logical, historical, wildlife, educational, recreational, and
8 scenic resources of the Conservation Area.

9 (c) MANAGEMENT.—

10 (1) IN GENERAL.—The Secretary shall manage
11 the Conservation Area—

12 (A) in a manner that conserves, protects,
13 and enhances the resources of the Conservation
14 Area; and

15 (B) in accordance with—

16 (i) the Federal Land Policy and Man-
17 agement Act of 1976 (43 U.S.C. 1701 et
18 seq.);

19 (ii) this Act; and

20 (iii) any other applicable laws.

21 (2) USES.—

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

1 (B) USE OF MOTORIZED VEHICLES.—

2 (i) IN GENERAL.—Except as needed
3 for administrative purposes or to respond
4 to an emergency, the use of motorized ve-
5 hicles in the Conservation Area shall be
6 permitted only on roads designated for use
7 by motorized vehicles in the management
8 plan.

9 (ii) NEW ROADS.—No additional road
10 shall be built within the Conservation Area
11 after the date of enactment of this Act un-
12 less the road is needed for public safety or
13 natural resource protection.

14 (C) GRAZING.—The Secretary shall permit
15 grazing within the Conservation Area, where es-
16 tablished before the date of enactment of this
17 Act—

18 (i) subject to all applicable laws (in-
19 cluding regulations) and Executive orders;
20 and

21 (ii) consistent with the purposes de-
22 scribed in subsection (b).

23 (D) COLLECTION OF PIÑON NUTS, FIRE-
24 WOOD, MEDICINAL PLANTS AND HERBS.—Noth-
25 ing in this section precludes the traditional col-

1 lection of firewood, medicinal plants and herbs,
2 and piñon nuts in the Conservation Area for
3 noncommercial personal use—

4 (i) in accordance with any applicable
5 laws; and

6 (ii) subject to such terms and condi-
7 tions as the Secretary determines to be ap-
8 propriate.

9 (E) UTILITY RIGHT-OF-WAY UPGRADES.—

10 Nothing in this section precludes the Secretary
11 from renewing or authorizing the upgrading
12 (including widening) of an existing utility right-
13 of-way through the Conservation Area in a
14 manner that minimizes harm to the purposes of
15 the Conservation Area described in subsection
16 (b)—

17 (i) in accordance with—

18 (I) the National Environmental
19 Policy Act of 1969 (42 U.S.C. 4321
20 et seq.); and

21 (II) any other applicable law; and

22 (ii) subject to such terms and condi-
23 tions as the Secretary determines to be ap-
24 propriate.

25 (F) TRIBAL CULTURAL USES.—

1 (i) ACCESS.—The Secretary shall, in
2 consultation with Indian tribes or pueb-
3 los—

4 (I) ensure the protection of reli-
5 gious and cultural sites in the Con-
6 servation Area; and

7 (II) provide access to the sites by
8 members of Indian tribes or pueblos
9 for traditional cultural and customary
10 uses, consistent with Public Law 95–
11 341 (commonly known as the “Amer-
12 ican Indian Religious Freedom Act”)
13 (42 U.S.C. 1996).

14 (ii) TEMPORARY CLOSURES.—In ac-
15 cordance with Public Law 95–341 (com-
16 monly known as the “American Indian Re-
17 ligious Freedom Act”) (42 U.S.C. 1996),
18 the Secretary, on request of an Indian
19 tribe or pueblo, may temporarily close to
20 general public use 1 or more specific areas
21 of the Conservation Area in order to pro-
22 tect traditional cultural and customary
23 uses in those areas by members of the In-
24 dian tribe or the pueblo.

25 (d) MANAGEMENT PLAN.—

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

5 (2) OTHER PLANS.—To the extent consistent
6 with this Act, the plan may incorporate in the man-
7 agement plan the Río Grande Corridor Management
8 Plan in effect on the date of enactment of this Act.

9 (3) CONSULTATION.—The management plan
10 shall be developed in consultation with—

11 (A) State and local governments;

12 (B) tribal governmental entities;

13 (C) land grant communities; and

14 (D) the public.

15 (4) CONSIDERATIONS.—In preparing and imple-
16 menting the management plan, the Secretary shall
17 consider the recommendations of Indian tribes and
18 pueblos on methods for—

19 (A) ensuring access to religious and cul-
20 tural sites;

21 (B) enhancing the privacy and continuity
22 of traditional cultural and religious activities in
23 the Conservation Area; and

24 (C) protecting traditional cultural and reli-
25 gious sites in the Conservation Area.

1 (e) INCORPORATION OF ACQUIRED LAND AND INTER-
2 ESTS IN LAND.—Any land that is within the boundary of
3 the Conservation Area that is acquired by the United
4 States shall—

5 (1) become part of the Conservation Area; and

6 (2) be managed in accordance with—

7 (A) this Act; and

8 (B) any other applicable laws.

9 (f) SPECIAL MANAGEMENT AREAS.—

10 (1) IN GENERAL.—The establishment of the
11 Conservation Area shall not change the management
12 status of any area within the boundary of the Con-
13 servation Area that is—

14 (A) designated as a component of the Na-
15 tional Wild and Scenic Rivers System under the
16 Wild and Scenic Rivers Act (16 U.S.C. 1271 et
17 seq.); or

18 (B) managed as an area of critical environ-
19 mental concern.

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

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

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

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

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

19 (b) MANAGEMENT OF WILDERNESS AREAS.—Subject
20 to valid existing rights, the wilderness areas designated
21 by subsection (a) shall be administered in accordance with
22 the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act,
23 except that with respect to the wilderness areas designated
24 by this Act—

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

4 (2) any reference in the Wilderness Act to the
5 Secretary of Agriculture shall be considered to be a
6 reference to the Secretary.

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

11 (1) become part of the wilderness area in which
12 the land is located; and

13 (2) be managed in accordance with—

14 (A) the Wilderness Act (16 U.S.C. 1131 et
15 seq.);

16 (B) this Act; and

17 (C) any other applicable laws.

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

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

24 (2) the guidelines set forth in appendix A of the
25 Report of the Committee on Interior and Insular Af-

1 fairs to accompany H.R. 2570 of the 101st Congress
2 (H. Rept. 101–405).

3 (e) BUFFER ZONES.—

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

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

13 (f) RELEASE OF WILDERNESS STUDY AREAS.—Con-
14 gress finds that, for purposes of section 603(c) of the Fed-
15 eral Land Policy and Management Act of 1976 (43 U.S.C.
16 1782(c)), the public land within the San Antonio Wilder-
17 ness Study Area not designated as wilderness by this sec-
18 tion—

19 (1) has been adequately studied for wilderness
20 designation;

21 (2) is no longer subject to section 603(c) of the
22 Federal Land Policy and Management Act of 1976
23 (43 U.S.C. 1782(c)); and

24 (3) shall be managed in accordance with this
25 Act.

1 **SEC. 5. GENERAL PROVISIONS.**

2 (a) MAPS AND LEGAL DESCRIPTIONS.—

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

8 (A) the Committee on Energy and Natural
9 Resources of the Senate; and

10 (B) the Committee on Natural Resources
11 of the House of Representatives.

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

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

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

25 (c) FISH AND WILDLIFE.—Nothing in this Act af-
26 fects the jurisdiction of the State with respect to fish and

1 wildlife located on public land in the State, except that
2 the Secretary, after consultation with the New Mexico De-
3 partment of Game and Fish, may designate zones where,
4 and establishing periods when, hunting shall not be al-
5 lowed for reasons of public safety, administration, or pub-
6 lic use and enjoyment.

7 (d) WITHDRAWALS.—Subject to valid existing rights,
8 any Federal land within the Conservation Area and the
9 wilderness areas designated by section 4(a), including any
10 land or interest in land that is acquired by the United
11 States after the date of enactment of this Act, is with-
12 drawn from—

13 (1) entry, appropriation, or disposal under the
14 public land laws;

15 (2) location, entry, and patent under the mining
16 laws; and

17 (3) operation of the mineral leasing, mineral
18 materials, and geothermal leasing laws.

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

21 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

22 There are authorized to be appropriated such sums
23 as are necessary to carry out this Act.

○