

Calendar No. 285

111TH CONGRESS
2^D SESSION**S. 874****[Report No. 111-135]**

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

 IN THE SENATE OF THE UNITED STATES

APRIL 23, 2009

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

MARCH 2, 2010

Reported by Mr. BINGAMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To establish El 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 “El 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 El 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 “El Río Grande Del Norte National Conserva-
17 tion Area” and dated March 23, 2009.

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 El 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 Rio 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, scientific, geological, histor-
12 ical, biological, wildlife, educational, recreational, and sec-
13 nie resources 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.

1 (2) USES.—

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

6 (B) USE OF MOTORIZED VEHICLES.—

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

14 (ii) NEW ROADS.—No additional road
15 shall be built within the Conservation Area
16 after the date of enactment of this Act un-
17 less the road is needed for public safety or
18 natural resource protection.

19 (C) GRAZING.—The Secretary shall permit
20 grazing within the Conservation Area, where es-
21 tablished before the date of enactment of this
22 Act—

23 (i) subject to all applicable laws (in-
24 cluding regulations) and Executive orders;
25 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 Act precludes the~~
5 ~~traditional collection of firewood and piñon nuts~~
6 ~~for noncommercial personal use within the Con-~~
7 ~~servation 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 CORRIDOR UPGRADES.—~~
14 ~~Nothing in this Act precludes the Secretary~~
15 ~~from authorizing the upgrading of an existing~~
16 ~~utility corridor (including the widening of an~~
17 ~~existing easement) through the Conservation~~
18 ~~Area—~~

19 (i) in accordance with any applicable
20 laws; and

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

24 ~~(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; and

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

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

24 (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 Rio 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 Rio 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
25 the Report of the Committee on Interior and Insular

1 Affairs to accompany H.R. 2570 of the 101st Con-
2 gress (H. Rept. 101-405).

3 (c) ~~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(e) of the Fed-
15 eral Land Policy and Management Act of 1976 (43 U.S.C.
16 1782(e)), 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(e) of the
22 Federal Land Policy and Management Act of 1976
23 (43 U.S.C. 1782(e)); 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.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Río Grande del Norte*
 3 *National Conservation Area Establishment Act”.*

4 **SEC. 2. DEFINITIONS.**

5 *In this Act:*

6 (1) *CONSERVATION AREA.*—*The term “Conserva-*
 7 *tion Area” means the Río Grande del Norte National*
 8 *Conservation Area established by section 3(a)(1).*

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

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

16 (4) *MAP.*—*The term “map” means the map enti-*
 17 *tled “Río Grande del Norte National Conservation*
 18 *Area” and dated November 4, 2009.*

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

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

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

25 (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 public*
6 *land in Taos and Río Arriba counties in the State,*
7 *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 resources*
13 *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.*

1 (2) *USES.*—

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

6 (B) *USE OF MOTORIZED VEHICLES.*—

7 (i) *IN GENERAL.*—*Except as needed for*
8 *administrative purposes or to respond to an*
9 *emergency, the use of motorized vehicles in*
10 *the Conservation Area shall be permitted*
11 *only on roads designated for use by motor-*
12 *ized vehicles in the management plan.*

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

18 (C) *GRAZING.*—*The Secretary shall permit*
19 *grazing within the Conservation Area, where es-*
20 *tablished before the date of enactment of this*
21 *Act—*

22 (i) *subject to all applicable laws (in-*
23 *cluding regulations) and Executive orders;*
24 *and*

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

3 (D) COLLECTION OF PIÑON NUTS AND FIRE-
4 WOOD.—Nothing in this Act precludes the tradi-
5 tional collection of firewood and piñon nuts for
6 noncommercial personal use within the Con-
7 servation 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 Act precludes the Secretary from
15 renewing or authorizing the upgrading (includ-
16 ing widening) of an existing utility right-of-way
17 through the Conservation Area in a manner that
18 minimizes harm to the purposes of the Conserva-
19 tion Area described in subsection (b)—

20 (i) in accordance with—

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

24 (II) any other applicable law; and

1 (ii) *subject to such terms and condi-*
2 *tions as the Secretary determines to be ap-*
3 *propriate.*

4 (F) *TRIBAL CULTURAL USES.—*

5 (i) *ACCESS.—The Secretary shall, in*
6 *consultation with Indian tribes or pueb-*
7 *los—*

8 (I) *ensure the protection of reli-*
9 *gious and cultural sites; and*

10 (II) *provide access to the sites by*
11 *members of Indian tribes or pueblos for*
12 *traditional cultural and customary*
13 *uses, consistent with Public Law 95–*
14 *341 (commonly known as the “Amer-*
15 *ican Indian Religious Freedom Act”)*
16 *(42 U.S.C. 1996).*

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

1 *areas by members of the Indian tribe or the*
2 *pueblo.*

3 *(d) MANAGEMENT PLAN.—*

4 *(1) IN GENERAL.—Not later than 3 years after*
5 *the date of enactment of this Act, the Secretary shall*
6 *develop a management plan for the Conservation*
7 *Area.*

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

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

14 *(A) State and local governments;*

15 *(B) tribal governmental entities;*

16 *(C) land grant communities; and*

17 *(D) the public.*

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

22 *(A) ensuring access to religious and cultural*
23 *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 (e) *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 States
 9 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 Con-
 16 servation Area shall not change the management sta-
 17 tus of any area within the boundary of the Conserva-
 18 tion 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 be-*
2 *tween 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 Con-*
8 *servation Area are designated as wilderness and as compo-*
9 *nents of the National Wilderness Preservation System:*

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

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

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

1 *that with respect to the wilderness areas designated by this*
2 *Act—*

3 *(1) any reference to the effective date of the Wil-*
4 *derness Act shall be considered to be a reference to the*
5 *date of enactment of this Act; and*

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

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

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

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

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

18 *(B) this Act; and*

19 *(C) any other applicable laws.*

20 *(d) GRAZING.—Grazing of livestock in the wilderness*
21 *areas designated by subsection (a), where established before*
22 *the date of enactment of this Act, shall be administered in*
23 *accordance with—*

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

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

5 *(e) BUFFER ZONES.—*

6 (1) *IN GENERAL.—Nothing in this section creates*
7 *a protective perimeter or buffer zone around any wil-*
8 *derness area designated by subsection (a).*

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

10 *The fact that an activity or use on land outside any*
11 *wilderness area designated by subsection (a) can be*
12 *seen or heard within the wilderness area shall not*
13 *preclude the activity or use outside the boundary of*
14 *the wilderness area.*

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

21 (1) *has been adequately studied for wilderness*
22 *designation;*

23 (2) *is no longer subject to section 603(c) of the*
24 *Federal Land Policy and Management Act of 1976*
25 *(43 U.S.C. 1782(c)); and*

1 (3) shall be managed in accordance with this
2 Act.

3 **SEC. 5. GENERAL PROVISIONS.**

4 (a) *MAPS AND LEGAL DESCRIPTIONS.*—

5 (1) *IN GENERAL.*—As soon as practicable after
6 the date of enactment of this Act, the Secretary shall
7 file the map and legal descriptions of the Conserva-
8 tion Area and the wilderness areas designated by sec-
9 tion 4(a) with—

10 (A) the Committee on Energy and Natural
11 Resources of the Senate; and

12 (B) the Committee on Natural Resources of
13 the House of Representatives.

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

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

23 (b) *NATIONAL LANDSCAPE CONSERVATION SYSTEM.*—
24 The Conservation Area and the wilderness areas designated

1 *by section 4(a) shall be administered as components of the*
2 *National Landscape Conservation System.*

3 (c) *FISH AND WILDLIFE.*—*Nothing in this Act affects*
4 *the jurisdiction of the State with respect to fish and wildlife*
5 *located on public land in the State, except that the Sec-*
6 *retary, after consultation with the New Mexico Department*
7 *of Game and Fish, may designate zones where, and estab-*
8 *lishing periods when, hunting shall not be allowed for rea-*
9 *sons of public safety, administration, or public use and en-*
10 *joyment.*

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

17 (1) *entry, appropriation, or disposal under the*
18 *public land laws;*

19 (2) *location, entry, and patent under the mining*
20 *laws; and*

21 (3) *operation of the mineral leasing, mineral*
22 *materials, and geothermal leasing laws.*

23 (e) *TREATY RIGHTS.*—*Nothing in this Act enlarges, di-*
24 *minishes, or otherwise modifies any treaty rights.*

1 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

2 *There are authorized to be appropriated such sums as*

3 *are necessary to carry out this Act.*

Calendar No. 285

11TH CONGRESS
2^D SESSION

S. 874

[Report No. 111-135]

A BILL

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

MARCH 2, 2010

Reported with an amendment