

PART D—WILDERNESS

§ 460uu-31. Designation; description of area

(a) In furtherance of the purposes of the Wilderness Act (78 Stat. 890) [16 U.S.C. 1131 et seq.], there are hereby designated as wilderness, and, therefore, as components of the National Wilderness Preservation System, the Cebolla Wilderness of approximately 60,000 acres, and the West Malpais Wilderness of approximately 38,210 acres, as each is generally depicted on the map entitled “El Malpais National Monument and National Conservation Area” numbered NM-ELMA-80,001-B and dated May 1987. The map shall be on file and available for inspection in the offices of the Director of the Bureau of Land Management, Department of the Interior.

(b) As soon as practicable after December 31, 1987, the Secretary shall file a legal description of each wilderness area designated by this subchapter with the Committee on Interior and Insular Affairs of the United States House of Representatives and with the Committee on Energy and Natural Resources of the United States Senate. Such legal description shall have the same force and effect as if included in this subchapter, except that the Secretary may correct clerical and typographical errors in such legal description. The legal description shall be on file and available for public inspection in the offices of the Director of the Bureau of Land Management, Department of the Interior.

(Pub. L. 100-225, title IV, § 401, Dec. 31, 1987, 101 Stat. 1542.)

REFERENCES IN TEXT

The Wilderness Act, referred to in subsec. (a), is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, as amended, 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.

CHANGE OF NAME

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

§ 460uu-32. Management; provisions applicable

(a) Subject to valid existing rights, each wilderness area designated under this subchapter shall be administered by the Secretary, through the Director of the Bureau of Land Management, in accordance with the provisions of the Wilderness Act [16 U.S.C. 1131 et seq.] governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to December 31, 1987.

(b) Within the wilderness areas designated by this subchapter, the grazing of livestock, where established prior to December 31, 1987, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary deems necessary, as long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in the Wilderness Act [16 U.S.C. 1131 et

seq.] and section 108 of Public Law 96-560 (16 U.S.C. 1133 note).

(Pub. L. 100-225, title IV, § 402, Dec. 31, 1987, 101 Stat. 1542.)

REFERENCES IN TEXT

The Wilderness Act, referred to in text, is Pub. L. 88-577, Sept. 3, 1964, 78 Stat. 890, as amended, 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.

The effective date of the Wilderness Act, referred to in subsec. (a), means Sept. 3, 1964, the date of enactment of Pub. L. 88-577, which enacted chapter 23 of this title.

PART E—GENERAL PROVISIONS

§ 460uu-41. Management plans**(a) Development and transmittal to Congress; contents**

Within three full fiscal years following the fiscal year of enactment of this subchapter, the Secretary shall develop and transmit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, separate general management plans for the monument and the conservation area which shall describe the appropriate uses and development of the monument and the conservation area consistent with the purposes of this subchapter. The plans shall include but not be limited to each of the following:

(1) implementation plans for a continuing program of interpretation and public education about the resources and values of the monument and the conservation area;

(2) proposals for public facilities to be developed for the conservation area or the monument, including a visitors center in the vicinity of Bandera Crater and a multiagency orientation center, to be located in or near Grants, New Mexico, and adjacent to Interstate 40, to accommodate visitors to western New Mexico;

(3) natural and cultural resources management plans for the monument and the conservation area, with a particular emphasis on the preservation and long-term scientific use of archeological resources, giving high priority to the enforcement of the provisions of the Archeological¹ Resources Protection Act of 1979 [16 U.S.C. 470aa et seq.] and the National Historic Preservation Act [16 U.S.C. 470 et seq.] within the monument and the conservation area. The natural and cultural resources management plans shall be prepared in close consultation with the Advisory Council on Historic Preservation, the New Mexico State Historic Preservation Office, and the local Indian people and their traditional cultural and religious authorities; and such plans shall provide for long-term scientific use of archeological resources in the monument and the conservation area, including the wilderness areas designated by this subchapter; and

(4) wildlife resources management plans for the monument and the conservation area pre-

¹ So in original. Probably should be “Archaeological”.

pared in close consultation with appropriate departments of the State of New Mexico and using previous studies of the area.

(b) Review and recommendation of suitability or nonsuitability of specific lands

(1) The general management plan for the conservation area shall review and recommend the suitability or nonsuitability for preservation as wilderness of those lands comprising approximately 17,468 acres, identified as “Wilderness Study Area” (hereafter in this part referred to as the “WSA”) on the map referenced in section 460uu of this title.

(2) Pending submission of a recommendation and until otherwise directed by an Act of Congress, the Secretary, acting through the Director of the Bureau of Land Management, shall manage the lands within the WSA so as to maintain their potential for inclusion within the National Wilderness Preservation System.

(c) Review and recommendation of suitability or nonsuitability of roadless lands

(1) The general management plan for the monument shall review and recommend the suitability or nonsuitability for preservation as wilderness of all roadless lands within the boundaries of the monument as established by this subchapter except those lands within the areas identified as “potential development areas” on the map referenced in section 460uu of this title.

(2) Pending the submission of a recommendation and until otherwise directed by Act of Congress, the Secretary, through the Director of the National Park Service, shall manage all roadless lands within the boundaries of the monument so as to maintain their potential for inclusion in the National Wilderness Preservation System, except those lands within the areas identified as “potential development areas” on the map referenced in section 460uu of this title.

(Pub. L. 100-225, title V, §501, Dec. 31, 1987, 101 Stat. 1543.)

REFERENCES IN TEXT

The fiscal year of enactment of this subchapter, referred to in subsec. (a), is the fiscal year of the enactment of Pub. L. 100-225, which enacted this subchapter, and was approved Dec. 31, 1987.

The Archaeological Resources Protection Act of 1979, referred to in subsec. (a)(3), 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. (a)(3), is Pub. L. 89-665, Oct. 15, 1966, 80 Stat. 915, as amended, which is classified generally to subchapter II (§470 et seq.) of chapter 1A of this title. For complete classification of this Act to the Code, see section 470 of this title and Tables.

CHANGE OF NAME

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

§ 460uu-42. Acquisition of lands and interests

Within the monument and the conservation area, the Secretary is authorized to acquire

lands and interests in lands by donation, purchase with donated or appropriated funds, exchange, or transfer from any other Federal agency, except that such lands or interests therein owned by the State of New Mexico or a political subdivision thereof may be acquired only by exchange. It is the sense of Congress that the Secretary is to complete the acquisition of non-Federal subsurface interests underlying the monument and the conservation area no later than three full fiscal years after the fiscal year of enactment of this subchapter.

(Pub. L. 100-225, title V, §502, Dec. 31, 1987, 101 Stat. 1544.)

REFERENCES IN TEXT

The fiscal year of enactment of this subchapter, referred to in text, is the fiscal year of the enactment of Pub. L. 100-225, which enacted this subchapter, and was approved Dec. 31, 1987.

§ 460uu-43. State exchanges of lands and interests

(a) Upon the request of the State of New Mexico (hereinafter referred to as the “State”) and pursuant to the provisions of this section, the Secretary shall exchange public lands or interests in lands elsewhere in the State of New Mexico, of approximately equal value and selected by the State, acting through its Commissioner of Public Lands, for any lands or interests therein owned by the State (hereinafter referred to as “State lands”) located within the boundaries of the monument or the conservation area which the State wishes to exchange with the United States.

(b) Within six months after December 31, 1987, the Secretary shall notify the New Mexico Commissioner of Public Lands what State lands are within the monument or the conservation area. The notice shall contain a listing of all public lands or interest therein within the boundaries of the State of New Mexico which have not been withdrawn from entry and which the Secretary, pursuant to the provisions of sections 1712 and 1716 of title 43, has identified as appropriate for transfer to the State in exchange for State lands. Such listing shall be updated at least annually. If the New Mexico Commissioner of Public Lands gives notice to the Secretary of the State’s desire to obtain public lands so listed, the Secretary shall notify the Commissioner in writing as to whether the Department of the Interior considers the State lands within the monument or conservation area to be of approximately equal value to the listed lands or interests in lands the Commissioner has indicated the State desires to obtain. It is the sense of the Congress that the exchange of lands and interests therein with the State pursuant to this section should be completed within two years after December 31, 1987.

(Pub. L. 100-225, title V, §503, Dec. 31, 1987, 101 Stat. 1544.)

§ 460uu-44. Mineral exchanges

(a) Authorization; matters considered

The Secretary is authorized and directed to exchange the Federal mineral interests in the lands described in subsection (b) of this section