

(B) Exclusions

The term “new use” does not include a use that—

- (i) is categorically excluded from documentation requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or
- (ii) is carried out to comply with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(9) Piedra Lisa tract

The term “Piedra Lisa tract” means the tract comprised of approximately 160 acres of land owned by the Pueblo and depicted on the map.

(10) Pueblo

The term “Pueblo” means the Pueblo of Sandia in its governmental capacity.

(11) Secretary

The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(12) Settlement Agreement

The term “Settlement Agreement” means the Agreement of Compromise and Settlement dated April 4, 2000, among the United States, the Pueblo, and the Sandia Peak Tram Company.

(13) Special use permit

The term “special use permit” means the Special Use Permit issued December 1, 1993, by the Secretary to Sandia Peak Tram Company and Sandia Peak Ski Company.

(14) Special use permit area**(A) In general**

The term “special use permit area” means the land and facilities subject to the special use permit.

(B) Inclusions

The term “special use permit area” includes—

- (i) approximately 46 acres of land used as an aerial tramway corridor;
- (ii) approximately 945 acres of land used as a ski area; and
- (iii) the land and facilities described in Exhibit A to the special use permit, including—
 - (I) the maintenance road to the lower tram tower;
 - (II) water storage and water distribution facilities; and
 - (III) 7 helispots.

(15) Subdivision

The term “subdivision” means—

- (A) the subdivision of—
 - (i) Sandia Heights Addition;
 - (ii) Sandia Heights North Unit I, II, or 3;
 - (iii) Tierra Monte;
 - (iv) Valley View Acres; or
 - (v) Evergreen Hills; and

(B) any additional plat or privately-owned property depicted on the map.

(16) Traditional or cultural use

The term “traditional or cultural use” means—

(A) a ceremonial activity (including the placing of ceremonial materials in the Area); and

(B) the use, hunting, trapping, or gathering of plants, animals, wood, water, and other natural resources for a noncommercial purpose.

(Pub. L. 108-7, div. F, title IV, § 403, Feb. 20, 2003, 117 Stat. 280.)

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.

The National Environmental Policy Act of 1969, referred to in par. (8)(B)(i), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§4321 et seq.) 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 4321 of Title 42 and Tables.

The Endangered Species Act of 1973, referred to in par. (8)(B)(ii), is Pub. L. 93-205, Dec. 28, 1973, 87 Stat. 884, as amended, which is classified principally to chapter 35 (§1531 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of this title and Tables.

§ 539m-2. T'uf Shur Bien Preservation Trust Area**(a) Establishment**

The T'uf Shur Bien Preservation Trust Area is established within the Cibola National Forest and the Sandia Mountain Wilderness as depicted on the map—

- (1) to recognize and protect in perpetuity the rights and interests of the Pueblo in and to the Area, as specified in section 539m-3(a) of this title;
- (2) to preserve in perpetuity the national forest and wilderness character of the Area; and
- (3) to recognize and protect in perpetuity the longstanding use and enjoyment of the Area by the public.

(b) Administration and applicable law**(1) In general**

The Secretary shall continue to administer the Area as part of the National Forest System subject to and consistent with the provisions of sections 539m to 539m-12 of this title affecting management of the Area.

(2) Traditional or cultural uses

Traditional or cultural uses by Pueblo members and members of other federally-recognized Indian tribes authorized to use the Area by the Pueblo under section 539m-3(a)(4) of this title shall not be restricted except by—

- (A) the Wilderness Act (16 U.S.C. 1131 et seq.) (including regulations promulgated under that Act) as in effect on February 20, 2003; and
- (B) applicable Federal wildlife protection laws, as provided in section 539m-4(a)(2) of this title.

(3) Later enactments

To the extent that any law enacted or amended after February 20, 2003, is inconsis-

ent with sections 539m to 539m-12 of this title, the law shall not apply to the Area unless expressly made applicable by Congress.

(4) Trust

The use of the word “Trust” in the name of the Area—

(A) is in recognition of the specific rights and interests of the Pueblo in the Area; and

(B) does not confer on the Pueblo the ownership interest that exists in a case in which the Secretary of the Interior accepts the title to land held in trust for the benefit of an Indian tribe.

(c) Map

(1) Filing

As soon as practicable after February 20, 2003, the Secretary shall file the map and a legal description of the Area with the Committee on Resources of the House of Representatives and with the Committee on Energy and Natural Resources of the Senate.

(2) Public availability

The map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia.

(3) Effect

The map and legal description filed under paragraph (1) shall have the same effect as if the map and legal description were included in sections 539m to 539m-12 of this title, except that—

(A) technical and typographical errors shall be corrected;

(B) changes that may be necessary under subsection (b), (d), or (e) of section 539m-7 of this title or subsection (b) or (c) of section 539m-11 of this title shall be made; and

(C) to the extent that the map and the language of sections 539m to 539m-12 of this title conflict, the language of sections 539m to 539m-12 of this title shall control.

(d) No conveyance of title

No right, title, or interest of the United States in or to the Area or any part of the Area shall be conveyed to or exchanged with any person, trust, or governmental entity, including the Pueblo, without specific authorization of Congress.

(e) Prohibited uses

(1) In general

Notwithstanding any other provision of law—

(A) no use prohibited by the Wilderness Act (16 U.S.C. 1131 et seq.) as of February 20, 2003, shall be permitted in the wilderness portion of the Area; and

(B) none of the following uses shall be permitted in any portion of the Area:

(i) Gaming or gambling.

(ii) Mineral production.

(iii) Timber production.

(iv) Any new use to which the Pueblo objects under section 539m-3(a)(3) of this title.

(2) Mining claims

The Area is closed to the location of mining claims under section 2320 of the Revised Stat-

utes (30 U.S.C. 23) (commonly known as the “Mining Law of 1872”).

(f) No modification of boundaries

Establishment of the Area shall not—

(1) affect the boundaries of or repeal or disestablish the Sandia Mountain Wilderness or the Cibola National Forest; or

(2) modify the existing boundary of the Pueblo grant.

(Pub. L. 108-7, div. F, title IV, § 404, Feb. 20, 2003, 117 Stat. 282.)

REFERENCES IN TEXT

Sections 539m to 539m-12 of this title, referred to in subsecs. (b)(1), (3) and (c)(3), 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 of the Code, see Short Title note set out under section 539m of this title and Tables.

The Wilderness Act, referred to in subsecs. (b)(2)(A) and (e)(1)(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.

The Mining Law of 1872, referred to in subsec. (e)(2), is act May 10, 1872, ch. 152, 17 Stat. 91, which was incorporated into the Revised Statutes of 1878 as R.S. §§ 2319 to 2328, 2331, 2333 to 2337, and 2344, which are classified to sections 22 to 24, 26 to 28, 29, 30, 33 to 35, 37, 39 to 42, and 47 of Title 30, Mineral Lands and Mining. For complete classification of such Revised Statutes sections to the Code, see Tables.

CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

§ 539m-3. Pueblo rights and interests in the Area

(a) In general

The Pueblo shall have the following rights and interests in the Area:

(1) Free and unrestricted access to the Area for traditional or cultural uses, to the extent that those uses are not inconsistent with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.) (including regulations promulgated under that Act) as in effect on February 20, 2003; or

(B) applicable Federal wildlife protection laws as provided in section 539m-4(a)(2) of this title.

(2) Perpetual preservation of the national forest and wilderness character of the Area under sections 539m to 539m-12 of this title.

(3) Rights in the management of the Area as specified in section 539m-5 of this title, including—

(A) the right to consent or withhold consent to a new use;

(B) the right to consultation regarding a modified use;

(C) the right to consultation regarding the management and preservation of the Area; and

(D) the right to dispute resolution procedures.

(4) Exclusive authority, in accordance with the customs and laws of the Pueblo, to admin-