

State of Colorado (in this section referred to as the “Forest Supervisor”) shall establish a trailhead and corresponding facilities and services to regulate use of National Forest System lands in the vicinity of the Fall River basin south of the communities of Alice Township and St. Mary’s Glacier in the State of Colorado. The facilities and services shall include the following:

- (1) Trailhead parking.
- (2) Public restroom accommodations.
- (3) Trailhead and trail maintenance.

**(b) Personnel**

The Forest Supervisor shall assign Forest Service personnel to provide appropriate management and oversight of the area described in subsection (a) of this section.

**(c) Consultation**

The Forest Supervisor shall consult with the Clear Creek County commissioners and with residents of Alice Township and St. Mary’s Glacier regarding—

- (1) the appropriate location of facilities and services in the area described in subsection (a) of this section; and
- (2) appropriate measures that may be needed in this area—
  - (A) to provide access by emergency or law enforcement vehicles;
  - (B) for public health; and
  - (C) to address concerns regarding impeded access by local residents.

**(d) Report**

After the consultation required by subsection (c) of this section, the Forest Supervisor shall submit to the Committee on Resources and the Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate a report regarding the amount of any additional funding required to implement this section.

(Pub. L. 107–216, § 5, Aug. 21, 2002, 116 Stat. 1060.)

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.

**§ 539I-3. Loop trail study; authorization**

**(a) Study**

Not later than three years after funds are first made available for this purpose, the Secretary, in consultation with interested parties, shall complete a study of the suitability and feasibility of establishing, consistent with the purpose set forth in section 539I(a)(2) of this title, a loop trail for mechanized and other nonmotorized recreation connecting the trail designated as “Rogers Pass” and the trail designated as “Rollins Pass Road”.

**(b) Establishment**

If the results of the study required by subsection (a) of this section indicate that establishment of such a loop trail would be suitable and feasible, consistent with the purpose set forth in section 539I(a)(2) of this title, the Secretary shall establish the loop trail in a manner consistent with that purpose.

(Pub. L. 107–216, § 6, Aug. 21, 2002, 116 Stat. 1060.)

**§ 539I-4. Other administrative provisions**

**(a) Buffer zones**

The designation by this Act or by amendments made by this Act of wilderness areas and the Protection Area in the State of Colorado shall not create or imply the creation of protective perimeters or buffer zones around any wilderness area or the Protection Area. The fact that nonwilderness activities or uses can be seen or heard from within a wilderness area or Protection Area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area or the Protection Area.

**(b) Rollins Pass Road**

If requested by one or more of the Colorado Counties of Grand, Gilpin, and Boulder, the Secretary shall provide technical assistance and otherwise cooperate with respect to repairing the Rollins Pass road in those counties sufficiently to allow two-wheel-drive vehicles to travel between Colorado State Highway 119 and U.S. Highway 40. If this road is repaired to such extent, the Secretary shall close the motorized roads and trails on Forest Service land indicated on the map entitled “Rollins Pass Road Reopening: Attendant Road and Trail Closures”, dated September 2001.

(Pub. L. 107–216, § 7, Aug. 21, 2002, 116 Stat. 1060.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 107–216, Aug. 21, 2002, 116 Stat. 1055, which is classified principally to sections 539I to 539I-5 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 539I of this title and Tables.

**§ 539I-5. Wilderness potential**

**(a) In general**

Nothing in this Act shall preclude or restrict the authority of the Secretary to evaluate the suitability of lands in the Protection Area for inclusion in the National Wilderness Preservation System or to make recommendations to Congress for such inclusion.

**(b) Evaluation of certain lands**

In connection with the first revision of the land and resources management plan for the Arapaho/Roosevelt National Forest after August 21, 2002, the Secretary shall evaluate the suitability of the lands managed under the management prescription referred to in section 539I(d)(1)(F) of this title for inclusion in the National Wilderness Preservation System and make recommendations to Congress regarding such inclusion.

(Pub. L. 107–216, § 8, Aug. 21, 2002, 116 Stat. 1061.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 107–216, Aug. 21, 2002, 116 Stat. 1055, which is classified principally to sections 539I to 539I-5 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 539I of this title and Tables.

**§ 539m. Findings and purposes**

**(a) Findings**

Congress finds that—

(1) in 1748, the Pueblo of Sandia received a grant from a representative of the King of Spain, which grant was recognized and confirmed by Congress in 1858 (11 Stat. 374); and

(2) in 1994, the Pueblo filed a civil action against the Secretary of the Interior and the Secretary of Agriculture in the United States District Court for the District of Columbia (Civil No. 1:94CV02624), asserting that Federal surveys of the grant boundaries erroneously excluded certain land within the Cibola National Forest, including a portion of the Sandia Mountain Wilderness.

**(b) Purposes**

The purposes of sections 539m to 539m-12 of this title are—

(1) to establish the T'uf Shur Bien Preservation Trust Area in the Cibola National Forest;

(2) to confirm the status of national forest land and wilderness land in the Area while resolving issues associated with the civil action referred to in subsection (a)(2) and the opinions of the Solicitor of the Department of the Interior dated December 9, 1988 (M-36963; 96 I.D. 331) and January 19, 2001 (M-37002); and

(3) to provide the Pueblo, the parties to the civil action, and the public with a fair and just settlement of the Pueblo's claim.

(Pub. L. 108-7, div. F, title IV, §402, Feb. 20, 2003, 117 Stat. 279.)

REFERENCES IN TEXT

Sections 539m to 539m-12 of this title, referred to in subsec. (b), 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 below and Tables.

EFFECTIVE DATE

Pub. L. 108-7, div. F, title IV, §415, Feb. 20, 2003, 117 Stat. 294, provided that: "The provisions of this title [see Short Title note below] shall take effect immediately on enactment of this Act [Feb. 20, 2003]."

SHORT TITLE

Pub. L. 108-7, div. F, title IV, §401, Feb. 20, 2003, 117 Stat. 279, provided that: "This title [enacting this section and sections 539m-1 to 539m-12 of this title, amending section 1746 of Title 43, Public Lands, and enacting provisions set out as a note above] may be cited as the 'T'uf Shur Bien Preservation Trust Area Act'."

**§ 539m-1. Definitions**

In sections 539m to 539m-12 of this title:

**(1) Area**

**(A) In general**

The term "Area" means the T'uf Shur Bien Preservation Trust Area, comprised of approximately 9890 acres of land in the Cibola National Forest, as depicted on the map.

**(B) Exclusions**

The term "Area" does not include—

- (i) the subdivisions;
- (ii) Pueblo-owned land;
- (iii) the crest facilities; or
- (iv) the special use permit area.

**(2) Crest facilities**

The term "crest facilities" means—

(A) all facilities and developments located on the crest of Sandia Mountain, including the Sandia Crest Electronic Site;

(B) electronic site access roads;

(C) the Crest House;

(D) the upper terminal, restaurant, and related facilities of Sandia Peak Tram Company;

(E) the Crest Observation Area;

(F) parking lots;

(G) restrooms;

(H) the Crest Trail (Trail No. 130);

(I) hang glider launch sites;

(J) the Kiwanis cabin; and

(K) the land on which the facilities described in subparagraphs (A) through (J) are located and the land extending 100 feet along terrain to the west of each such facility, unless a different distance is agreed to in writing by the Secretary and the Pueblo and documented in the survey of the Area.

**(3) Existing use**

The term "existing use" means a use that—

(A) is occurring in the Area as of February 20, 2003; or

(B) is authorized in the Area after November 1, 1995, but before February 20, 2003.

**(4) La Luz tract**

The term "La Luz tract" means the tract comprised of approximately 31 acres of land owned in fee by the Pueblo and depicted on the map.

**(5) Local public body**

The term "local public body" means a political subdivision of the State of New Mexico (as defined in New Mexico Code 6-5-1).

**(6) Map**

The term "map" means the Forest Service map entitled "T'uf Shur Bien Preservation Trust Area" and dated April 2000.

**(7) Modified use**

**(A) In general**

The term "modified use" means an existing use that, at any time after February 20, 2003, is modified or reconfigured but not significantly expanded.

**(B) Inclusions**

The term "modified use" includes—

(i) a trail or trailhead being modified, such as to accommodate handicapped access;

(ii) a parking area being reconfigured (but not expanded); and

(iii) a special use authorization for a group recreation use being authorized for a different use area or time period.

**(8) New use**

**(A) In general**

The term "new use" means—

(i) a use that is not occurring in the Area as of February 20, 2003; and

(ii) an existing use that is being modified so as to be significantly expanded or altered in scope, dimension, or impact on the land, water, air, or wildlife resources of the Area.