

## 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 539f to 539l-5 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 539f of this title and Tables.

**§ 539l-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 539l(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.)

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**§ 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