

by the United States and added to the Pueblo's Reservation subject to all existing and outstanding rights and shall, as a condition of the conveyance, remain in its natural state and shall not be subject to commercial development of any kind. Land exchanged or conveyed to the Forest Service shall be subject to all limitations on use pertaining to the Area under sections 539m to 539m-12 of this title.

(5) Failure to make offer

If the land exchange offer is not made by the date that is 180 days after February 20, 2003, the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives, a report explaining the reasons for the failure to make the offer including an assessment of the need for any additional legislation that may be necessary for the exchange. If additional legislation is not necessary, the Secretary, consistent with this section, should proceed with the exchange pursuant to existing law.

(c) Land acquisition and other compensation

(1) In general

The Secretary may acquire land owned by the Pueblo within the Evergreen Hills Subdivision in Sandoval County or any other privately held land inside of the exterior boundaries of the Area. The boundaries of the Cibola National Forest and the Area shall be adjusted to encompass any land acquired pursuant to this section.

(2) Piedra Lisa tract

Subject to the availability of appropriations, the Secretary shall compensate the Pueblo for the fair market value of—

(A) the right-of-way established pursuant to section 539m-7(h)(3)(C) of this title; and

(B) the conservation easement established by the limitations on use of the Piedra Lisa tract pursuant to section 539m-7(b)(2) of this title.

(d) Reimbursement of certain costs

(1) In general

The Pueblo, the County of Bernalillo, New Mexico, and any person that owns or has owned property inside of the exterior boundaries of the Area as designated on the map, and who has incurred actual and direct costs as a result of participating in the case of Pueblo of Sandia v. Babbitt, Civ. No. 94-2624 HHG (D.D.C.), or other proceedings directly related to resolving the issues litigated in that case, may apply for reimbursement in accordance with this section. Costs directly related to such participation which shall qualify for reimbursement shall be—

(A) dues or payments to a homeowner association for the purpose of legal representation; and

(B) legal fees and related expenses.

(2) Treatment of reimbursement

Any reimbursement provided in this subsection shall be in lieu of that which might

otherwise be available pursuant to the Equal Access to Justice Act (24¹ U.S.C. 2412).

(3) Payments

Subject to the availability of appropriated funds the Secretary of the Treasury shall make reimbursement payments as provided in this section.

(4) Applications

Not later than 180 days after February 20, 2003, applications for reimbursement shall be filed with the Department of the Treasury, Financial Management Service, Washington, D.C.

(5) Maximum reimbursement

No party shall be reimbursed in excess of \$750,000 under this section, and the total amount reimbursed in accordance with this section shall not exceed \$3,000,000.

(Pub. L. 108-7, div. F, title IV, § 413, Feb. 20, 2003, 117 Stat. 292; Pub. L. 111-11, title III, § 3309, Mar. 30, 2009, 123 Stat. 1139.)

REFERENCES IN TEXT

Sections 539m to 539m-12 of this title, referred to in subsecs. (a)(1)(B) and (b)(4), 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.

Section 1716(b) of title 43, referred to in subsec. (b)(2), was in the original "section 206(b) of the Federal Land Policy and Management Act" and was translated as reading "section 206(b) of the Federal Land Policy and Management Act of 1976" to reflect the probable intent of Congress.

The Equal Access to Justice Act, referred to in subsec. (d)(2), is title II of Pub. L. 96-481, Oct. 21, 1980, 94 Stat. 2325, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 504 of Title 5, Government Organization and Employees, and Tables.

AMENDMENTS

2009—Subsec. (b)(1). Pub. L. 111-11, § 3309(1), inserted "3," after "sections".

Subsec. (b)(4). Pub. L. 111-11, § 3309(2), inserted " , as a condition of the conveyance," before "remain" in first sentence.

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-12. Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out sections 539m to 539m-12 of this title, including such sums as are necessary for the Forest Service to carry out responsibilities of the Forest Service in accordance with section 539m-11(c) of this title.

(Pub. L. 108-7, div. F, title IV, § 414, Feb. 20, 2003, 117 Stat. 294.)

REFERENCES IN TEXT

Sections 539m to 539m-12 of this title, referred to in text, was in the original "this title", meaning title IV

¹ So in original. Probably should be "28".

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.

§ 539n. Crystal Springs Watershed Special Resources Management Unit

(1) Establishment

(A) In general

On completion of the land exchange under section 1206(a)(2),¹ there shall be established a special resources management unit in the State consisting of certain Federal land managed by the Forest Service, as generally depicted on the map entitled “Crystal Springs Watershed Special Resources Management Unit”, dated June 2006 (referred to in this section as the “map”), to be known as the “Crystal Springs Watershed Special Resources Management Unit” (referred to in this section as the “Management Unit”).

(B) Exclusion of certain land

The Management Unit does not include any National Forest System land otherwise covered by subparagraph (A) that is designated as wilderness by section 1202.¹

(C) Withdrawal

(i) In general

Subject to valid rights in existence on March 30, 2009, the Federal land designated as the Management Unit is withdrawn from all forms of—

- (I) entry, appropriation, or disposal under the public land laws;
- (II) location, entry, and patent under the mining laws; and
- (III) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(ii) Exception

Clause (i)(I) does not apply to the parcel of land generally depicted as “HES 151” on the map.

(2) Purposes

The purposes of the Management Unit are—

- (A) to ensure the protection of the quality and quantity of the Crystal Springs watershed as a clean drinking water source for the residents of Hood River County, Oregon; and
- (B) to allow visitors to enjoy the special scenic, natural, cultural, and wildlife values of the Crystal Springs watershed.

(3) Map and legal description

(A) Submission of legal description

As soon as practicable after March 30, 2009, the Secretary shall file a map and a legal description of the Management Unit with—

- (i) the Committee on Energy and Natural Resources of the Senate; and
- (ii) the Committee on Natural Resources of the House of Representatives.

(B) Force of law

The map and legal description filed under subparagraph (A) shall have the same force

and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the map and legal description.

(C) Public availability

The map and legal description filed under subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(4) Administration

(A) In general

The Secretary shall—

(i) administer the Management Unit—

- (I) in accordance with the laws (including regulations) and rules applicable to units of the National Forest System; and
- (II) consistent with the purposes described in paragraph (2); and

(ii) only allow uses of the Management Unit that are consistent with the purposes described in paragraph (2).

(B) Fuel reduction in proximity to improvements and primary public roads

To protect the water quality, water quantity, and scenic, cultural, natural, and wildlife values of the Management Unit, the Secretary may conduct fuel reduction and forest health management treatments to maintain and restore fire-resilient forest structures containing late successional forest structure characterized by large trees and multistoried canopies, as ecologically appropriate, on National Forest System land in the Management Unit—

- (i) in any area located not more than 400 feet from structures located on—
 - (I) National Forest System land; or
 - (II) private land adjacent to National Forest System land;

(ii) in any area located not more than 400 feet from the Cooper Spur Road, the Cloud Cap Road, or the Cooper Spur Ski Area Loop Road; and

(iii) on any other National Forest System land in the Management Unit, with priority given to activities that restore previously harvested stands, including the removal of logging slash, smaller diameter material, and ladder fuels.

(5) Prohibited activities

Subject to valid existing rights, the following activities shall be prohibited on National Forest System land in the Management Unit:

(A) New road construction or renovation of existing non-System roads, except as necessary to protect public health and safety.

(B) Projects undertaken for the purpose of harvesting commercial timber (other than activities relating to the harvest of merchantable products that are byproducts of activities conducted to further the purposes described in paragraph (2)).

(C) Commercial livestock grazing.

(D) The placement of new fuel storage tanks.

(E) Except to the extent necessary to further the purposes described in paragraph (2), the application of any toxic chemicals (other than fire retardants), including pesticides, rodenticides, or herbicides.

¹ See References in Text note below.