

§ 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 inconsistent 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 Statutes (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 subssecs. (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 to the Code, see Short Title note set out under section 539m of this title and Tables.

The Wilderness Act, referred to in subssecs. (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 incor-

porated 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 administer access to the Area for traditional or cultural uses by members of the Pueblo and of other federally-recognized Indian tribes.

(5) Such other rights and interests as are recognized in subsection (c) of this section and sections 539m-2, 539m-5, 539m-6, and 539m-7 of this title.

(b) Access

Except as provided in subsection (a)(4), access to and use of the Area for all other purposes shall continue to be administered by the Secretary.

(c) Compensable interest

(1) In general

If, by an Act of Congress enacted after February 20, 2003, Congress diminishes the national forest or wilderness designation of the Area by authorizing a use prohibited by section 539m-2(e) of this title in all or any portion of the Area, or denies the Pueblo access for any traditional or cultural use in all or any portion of the Area—

(A) the United States shall compensate the Pueblo as if the Pueblo held a fee title interest in the affected portion of the Area and as

though the United States had acquired such an interest by legislative exercise of the power of eminent domain; and

(B) the restrictions of sections 539m-2(e) and 539m-4(a) of this title shall be disregarded in determining just compensation owed to the Pueblo.

(2) Effect

Any compensation made to the Pueblo under paragraph (c)¹ shall not affect the extinguishment of claims under section 539m-8 of this title.

(Pub. L. 108-7, div. F, title IV, § 405, Feb. 20, 2003, 117 Stat. 283.)

REFERENCES IN TEXT

The Wilderness Act, referred to in subsec. (a)(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.

Sections 539m to 539m-12 of this title, referred to in subsec. (a)(2), 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.

§ 539m-4. Limitations on Pueblo rights and interests in the Area

(a) Limitations

The rights and interests of the Pueblo recognized in sections 539m to 539m-12 of this title do not include—

(1) any right to sell, grant, lease, convey, encumber, or exchange land or any interest in land in the Area (and any such conveyance shall not have validity in law or equity);

(2) any exemption from applicable Federal wildlife protection laws;

(3) any right to engage in a use prohibited by section 539m-2(e) of this title; or

(4) any right to exclude persons or governmental entities from the Area.

(b) Exception

No person who exercises traditional or cultural use rights as authorized by section 539m-3(a)(4) of this title may be prosecuted for a Federal wildlife offense requiring proof of a violation of a State law (including regulations).

(Pub. L. 108-7, div. F, title IV, § 406, Feb. 20, 2003, 117 Stat. 284.)

REFERENCES IN TEXT

Sections 539m to 539m-12 of this title, referred to in subsec. (a), 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.

§ 539m-5. Management of the Area

(a) Process

(1) In general

The Secretary shall consult with the Pueblo not less than twice each year, unless otherwise

¹ So in original. Probably should be paragraph “(1)”.