

Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 43 and Tables.

CHANGE OF NAME

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

§ 460uu-45. Acoma Pueblo exchanges

(a) Lands to be exchanged

(1) Upon the request of the Pueblo of Acoma, the Secretary shall acquire by exchange any lands held in trust for the Pueblo of Acoma (hereinafter referred to as “trust lands”) located within the boundary of the conservation area which the Pueblo wishes to exchange pursuant to this section. Such trust lands shall be exchanged either for—

(A) lands described in subsection (c) of this section (with respect to trust lands west of New Mexico Highway 117); or

(B) public lands of approximately equal value located outside the monument and outside the conservation area but within the boundaries of the State of New Mexico which are selected by the Pueblo of Acoma, so long as such exchange is consistent with applicable law and Bureau of Land Management resource management plans developed pursuant to the Federal Land Policy and Management Act of 1976 [43 U.S.C. 1701 et seq.].

(2) All lands selected by and transferred to the Pueblo of Acoma at its request pursuant to this section shall thereafter be held in trust by the Secretary for the Pueblo of Acoma in the same manner as the lands for which they were exchanged.

(3) Any lands west of New Mexico Highway 117 which are acquired by the Secretary pursuant to this section shall be incorporated into the monument and managed accordingly, and section 460uu-3 of this title and all other provisions of this subchapter and other law applicable to lands designated by this subchapter as part of the monument shall apply to such incorporated lands.

(b) Public lands available for exchange

For purposes of acquiring lands pursuant to subsection (a) of this section, the Secretary, consistent with applicable law and Bureau of Land Management resource management plans described in subsection (a) of this section, shall make public lands within the boundaries of the State of New Mexico available for exchange. Nothing in this subchapter shall be construed as authorizing or requiring revocation of any existing withdrawal or classification of public land except in a manner consistent with applicable law.

(c) Public lands available for transfer; management of lands not exchanged or transferred

(1) The Secretary shall make the lands within the areas identified as “Acoma Potential Exchange Areas” on the map referenced in section 460uu-21 of this title available for transfer to the Pueblo of Acoma pursuant to this subsection.

(2) Upon a request of the Pueblo of Acoma submitted to the Secretary no later than one year after December 31, 1987, lands within the areas described in paragraph (1) shall be transferred to the Pueblo of Acoma in exchange for trust lands of approximately equal value within that portion of the conservation area west of New Mexico Highway 117. The Secretary may require exchanges of land under this subsection to be on the basis of compact and contiguous parcels.

(3) Any lands within the areas described in paragraph (1) not proposed for exchange by a request submitted to the Secretary by the Pueblo of Acoma within the period specified in paragraph (2), and any lands in such areas not ultimately transferred pursuant to this subsection, shall be incorporated within the conservation area and managed accordingly. In addition, any lands in that portion of the areas described in paragraph (1) lying in section 1, township 7N, range 9W, New Mexico Principal Meridian, not transferred to the Pueblo of Acoma pursuant to this subsection shall be added to and incorporated within the Cebolla Wilderness and managed accordingly.

(Pub. L. 100-225, title V, §505, Dec. 31, 1987, 101 Stat. 1545.)

REFERENCES IN TEXT

The Federal Land Policy and Management Act of 1976, referred to in subsec. (a)(1)(B), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, as amended, which is classified principally to chapter 35 (§1701 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 43 and Tables.

§ 460uu-46. Exchanges and acquisitions generally; withdrawal

(a) Exchanges on basis of equal value; cash equalization; exceptions

All exchanges pursuant to this subchapter shall be made in a manner consistent with applicable provisions of law, including this subchapter, and unless otherwise specified in this subchapter shall be on the basis of equal value; either party to an exchange may pay or accept cash in order to equalize the value of the property exchange, except that if the parties agree to an exchange and the Secretary determines it is in the public interest, such exchange may be made for other than equal value.

(b) “Public lands” defined

For purposes of this subchapter, the term “public lands” shall have the same meaning as such term has when used in the Federal Land Policy and Management Act of 1976 [43 U.S.C. 1701 et seq.].

(c) Incorporation and management of after-acquired lands

Except as otherwise provided in section 460uu-45 of this title, any lands or interests therein within the boundaries of the monument or conservation area which after December 31, 1987, may be acquired by the United States shall be incorporated into the monument or conservation area, as the case may be, and managed accordingly, and all provisions of this subchapter and other laws applicable to the monument or

the conservation area, as the case may be, shall apply to such incorporated lands.

(d) Prohibition on transfer of lands out of Federal ownership; withdrawal of lands from all forms of entry

(1) Except as otherwise provided in this subchapter, no federally-owned lands located within the boundaries of the monument or the conservation area shall be transferred out of Federal ownership, or be placed in trust for any Indian tribe or group, by exchange or otherwise.

(2) Except as otherwise provided in this subchapter, and subject to valid existing rights, all Federal lands within the monument and the conservation area and all lands and interests therein which are acquired on and after December 31, 1987, by the United States are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws and from location, entry and patent under the mining laws, and from operation of the mineral leasing and geothermal leasing laws and all amendments thereto.

(e) Discrepancies in citation of acreage; maps as controlling

The acreages cited in this subchapter are approximate, and in the event of discrepancies between cited acreages and the lands depicted on referenced maps, the maps shall control.

(f) Acceptance of lands proposed for donation

The Secretary is authorized to accept any lands contiguous to the boundaries of the Pecos National Monument (as such boundaries were established on December 31, 1987) which may be proposed for donation to the United States. If acceptance of such lands proposed for donation would be in furtherance of the purposes for which the Pecos National Monument was established, the Secretary shall accept such lands, and upon such acceptance such lands shall be incorporated into such monument and managed accordingly.

(g) Redesignation and revision of boundaries of Capulin Mountain National Monument

(1) Capulin Mountain National Monument is hereby redesignated as Capulin Volcano National Monument.

(2) Any reference in any record, map, or other document of the United States of America to Capulin Mountain National Monument shall hereafter be deemed to be a reference to Capulin Volcano National Monument.

(3) Section 1 of the Act of September 5, 1962 (76 Stat. 436) is hereby amended by striking the remaining portion of section 1 after “boundaries of the monument” and inserting “shall include the lands and interests in lands as generally depicted on the map entitled ‘Capulin Volcano National Monument Boundary Map’ which is numbered 125-80,014 and dated January 1987.”.

(4) Jurisdiction over federally-owned lands within the revised boundaries of the monument is hereby transferred to the National Park Service, without monetary consideration, for administration as part of the monument.

(Pub. L. 100-225, title V, § 506, Dec. 31, 1987, 101 Stat. 1546.)

REFERENCES IN TEXT

The Federal Land Policy and Management Act of 1976, referred to in subsec. (b), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, as amended, which is classified principally to chapter 35 (§1701 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 43 and Tables.

Act of September 5, 1962, referred to in subsec. (g)(3), is Pub. L. 87-635, Sept. 5, 1962, 76 Stat. 436, which enacted provisions listed in the National Monuments Established Under Presidential Proclamation table set out under section 431 of this title.

§ 460uu-47. Access

(a) Nonexclusive access by Indians for cultural and religious purposes

In recognition of the past use of portions of the monument and the conservation area by Indian people for traditional cultural and religious purposes, the Secretary shall assure nonexclusive access to the monument and the conservation area by Indian people for traditional cultural and religious purposes, including the harvesting of pine nuts. Such access shall be consistent with the purpose and intent of the American Indian Religious Freedom Act of August 11, 1978 (42 U.S.C. 1996 [1996a]), and (with respect to areas designated as wilderness) the Wilderness Act (78 Stat. 890) [16 U.S.C. 1131 et seq.].

(b) Recommendations from Indian leaders regarding access and protection of cultural and religious sites

In preparing the plans for the monument and the conservation area pursuant to section 460uu-41 of this title, the Secretary shall request that the Governor of the Pueblo of Acoma and the chief executive officers of other appropriate Indian tribes make recommendations on methods of—

(1) assuring access pursuant to subsection (a) of this section;

(2) enhancing the privacy of traditional cultural and religious activities in the monument and the conservation area; and

(3) protecting traditional cultural and religious sites in the monument and the conservation area.

(c) Temporary closure to public of lands for protection of religious activities

In order to implement this section and in furtherance of the American Indian Religious Freedom Act [42 U.S.C. 1996, 1996a], the Secretary, upon the request of an appropriate Indian tribe, may from time to time temporarily close to general public use one or more specific portions of the monument or the conservation area in order to protect the privacy of religious activities in such areas by Indian people. Any such closure shall be made so as to affect the smallest practicable area for the minimum period necessary for such purposes. Not later than seven days after the initiation of any such closure, the Secretary shall provide written notification of such action to the Energy and Natural Resources Committee of the United States Senate and the Natural Resources Committee of the House of Representatives.

(d) Advisory committee; membership

The Secretary is authorized to establish an advisory committee to advise the Secretary con-