

Appraisal Standards for Federal Land Acquisitions.

**(3) Administration**

Any such interests acquired within the boundaries of the Upper Alamo watershed, as referred to in subsection (b) of this section, shall be administered by the Secretary of the Interior as part of Bandelier National Monument.

**(4) Available funds**

Any such interests shall be acquired with available funds.

**(5) Declaration of taking**

**(A) In general**

If negotiations to acquire the interests are unsuccessful by the date that is 60 days after Dec. 20, 2005, the Secretary shall acquire the interests pursuant to section 3114 of title 40.

**(B) Source of funds**

Any difference between the sum of money estimated to be just compensation by the Secretary and the amount awarded shall be paid from the permanent judgment appropriation under section 1304 of title 31.

**(f) Boundaries of the Baca ranch**

For purposes of section 4607-9 of this title, the boundaries of the Baca ranch shall be treated as if they were National Forest boundaries existing as of January 1, 1965.

**(g) Pueblo of Santa Clara**

**(1) In general**

The Secretary may assign to the Pueblo of Santa Clara rights to acquire for fair market value portions of the Baca ranch. The portion that may be assigned shall be determined by mutual agreement between the Pueblo and the Secretary based on optimal management considerations for the Preserve including manageable land line locations, public access, and retention of scenic and natural values. All appraisals shall be done in conformity with the Uniform Appraisal Standards for Federal Land Acquisition.

**(2) Status of land acquired**

As of the date of acquisition, the fee title lands, and any mineral estate underlying such lands, acquired under this subsection by the Pueblo of Santa Clara are deemed transferred into trust in the name of the United States for the benefit of the Pueblo of Santa Clara and such lands and mineral estate are declared to be part of the existing Santa Clara Indian Reservation.

**(3) Mineral estate**

Any mineral estate acquired by the United States pursuant to subsection (e) of this section underlying fee title lands acquired by the Pueblo of Santa Clara shall not be developed without the consent of the Secretary of the Interior and the Pueblo of Santa Clara.

**(4) Savings**

Any reservations, easements, and covenants contained in an assignment agreement entered into under paragraph (1) shall not be affected

by the acquisition of the Baca ranch by the United States, the assumption of management by the Valles Caldera Trust, or the lands acquired by the Pueblo being taken into trust.

(Pub. L. 106-248, title I, §104, July 25, 2000, 114 Stat. 600; Pub. L. 109-132, §2(a), Dec. 20, 2005, 119 Stat. 2570.)

REFERENCES IN TEXT

Section 3 of Pub. L. 105-376, referred to in subsecs. (b) and (c)(2), appears in the item for Bandelier National Monument, New Mexico, in the table under the heading "National Monuments Established Under Presidential Proclamation", set out as a note under section 431 of this title.

AMENDMENTS

2005—Subsec. (e). Pub. L. 109-132 designated existing provisions as pars. (1) to (3), inserted par. headings, struck out "on a willing seller basis" after "such fractional interest" in par. (2), and added pars. (4) and (5).

**§ 698v-3. The Valles Caldera National Preserve**

**(a) Establishment**

Upon the date of acquisition of the Baca ranch under section 698v-2(a) of this title, there is hereby established the Valles Caldera National Preserve as a unit of the National Forest System which shall include all Federal lands and interests in land acquired under sections 698v-2(a) and 698v-2(e) of this title, except those lands and interests in land administered or held in trust by the Secretary of the Interior under sections 698v-2(b) and 698v-2(g) of this title, and shall be managed in accordance with the purposes and requirements of sections 698v to 698v-10 of this title.

**(b) Purposes**

The purposes for which the Preserve is established are to protect and preserve the scientific, scenic, geologic, watershed, fish, wildlife, historic, cultural, and recreational values of the Preserve, and to provide for multiple use and sustained yield of renewable resources within the Preserve, consistent with sections 698v to 698v-10 of this title.

**(c) Management authority**

Except for the powers of the Secretary enumerated in sections 698v to 698v-10 of this title, the Preserve shall be managed by the Valles Caldera Trust established by section 698v-4 of this title.

**(d) Eligibility for payment in lieu of taxes**

Lands acquired by the United States under section 698v-2(a) of this title shall constitute entitlement lands for purposes of the Payment in Lieu of Taxes Act (31 U.S.C. 6901-6904).

**(e) Withdrawals**

**(1) In general**

Upon acquisition of all interests in minerals within the boundaries of the Baca ranch under section 698v-2(e) of this title, subject to valid existing rights, the lands comprising the Preserve are thereby withdrawn from disposition under all laws pertaining to mineral leasing, including geothermal leasing.

**(2) Materials for roads and facilities**

Nothing in sections 698v to 698v-10 of this title shall preclude the Secretary, prior to as-

sumption of management of the Preserve by the Trust, and the Trust thereafter, from allowing the utilization of common varieties of mineral materials such as sand, stone, and gravel as necessary for construction and maintenance of roads and facilities within the Preserve.

**(f) Fish and game**

Nothing in sections 698v to 698v-10 of this title shall be construed as affecting the responsibilities of the State of New Mexico with respect to fish and wildlife, including the regulation of hunting, fishing, and trapping within the Preserve, except that the Trust may, in consultation with the Secretary and the State of New Mexico, designate zones where and establish periods when no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, the protection of nongame species and their habitats, or public use and enjoyment.

**(g) Redondo Peak**

**(1) In general**

For the purposes of preserving the natural, cultural, religious, and historic resources on Redondo Peak upon acquisition of the Baca ranch under section 698v-2(a) of this title, except as provided in paragraph (2), within the area of Redondo Peak above 10,000 feet in elevation—

(A) no roads, structures, or facilities shall be constructed; and

(B) no motorized access shall be allowed.

**(2) Exceptions**

Nothing in this subsection shall preclude—

(A) the use and maintenance of roads and trails existing as of July 25, 2000;

(B) the construction, use and maintenance of new trails, and the relocation of existing roads, if located to avoid Native American religious and cultural sites; and

(C) motorized access necessary to administer the area by the Trust (including measures required in emergencies involving the health or safety of persons within the area).

(Pub. L. 106-248, title I, §105, July 25, 2000, 114 Stat. 602.)

REFERENCES IN TEXT

The Payment in Lieu of Taxes Act, referred to in subsec. (d), is the popular name for Pub. L. 94-565, Oct. 20, 1976, 90 Stat. 2662, as amended, which was classified generally to sections 1601 to 1607 of former Title 31, Money and Finance. Sections 1601 to 1607 of former Title 31 were repealed by Pub. L. 97-258, §5(b), Sept. 13, 1982, 96 Stat. 1068, and reenacted by the first section thereof as sections 6901 to 6904 and 6906 of Title 31, Money and Finance.

The laws pertaining to mineral leasing, referred to in subsec. (e)(1), are classified generally to Title 30, Mineral Lands and Mining.

Laws pertaining to geothermal leasing, referred to in subsec. (e)(1), are classified principally to chapter 23 (§1001 et seq.) of Title 30, Mineral Lands and Mining.

**§ 698v-4. The Valles Caldera Trust**

**(a) Establishment**

There is hereby established a wholly owned government corporation known as the Valles Caldera Trust which is empowered to conduct

business in the State of New Mexico and elsewhere in the United States in furtherance of its corporate purposes.

**(b) Corporate purposes**

The purposes of the Trust are—

(1) to provide management and administrative services for the Preserve;

(2) to establish and implement management policies which will best achieve the purposes and requirements of sections 698v to 698v-10 of this title;

(3) to receive and collect funds from private and public sources and to make dispositions in support of the management and administration of the Preserve; and

(4) to cooperate with Federal, State, and local governmental units, and with Indian tribes and Pueblos, to further the purposes for which the Preserve was established.

**(c) Necessary powers**

The Trust shall have all necessary and proper powers for the exercise of the authorities vested in it.

**(d) Staff**

**(1) In general**

The Trust is authorized to appoint and fix the compensation and duties of an executive director and such other officers and employees as it deems necessary without regard to the provisions of title 5 governing appointments in the competitive service, and may pay them without regard to the provisions of chapter 51, and subchapter III of chapter 53, title 5, relating to classification and General Schedule pay rates. No employee of the Trust shall be paid at a rate in excess of that payable to the Supervisor of the Santa Fe National Forest or the Superintendent of the Bandelier National Monument, whichever is greater.

**(2) Federal employees**

**(A) In general**

Except as provided in sections 698v to 698v-10 of this title, employees of the Trust shall be Federal employees as defined by title 5 and shall be subject to all rights and obligations applicable thereto.

**(B) Use of Federal employees**

At the request of the Trust, the employees of any Federal agency may be provided for implementation of sections 698v to 698v-10 of this title. Such employees detailed to the Trust for more than 30 days shall be provided on a reimbursable basis.

**(e) Government Corporation**

**(1) In general**

The Trust shall be a Government Corporation subject to chapter 91 of title 31 (commonly referred to as the Government Corporation Control Act). Financial statements of the Trust shall be audited annually in accordance with section 9105 of title 31.

**(2) Reports**

Not later than January 15 of each year, the Trust shall submit to the Secretary and the Committees of Congress a comprehensive and