

(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.

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

§ 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 mutually agreed, concerning protection, preservation, and management of the Area (including proposed new uses and modified uses in the Area and authorizations that are anticipated during the next 6 months and were approved in the preceding 6 months).

(2) New uses

(A) Request for consent after consultation

(i) Denial of consent

If the Pueblo denies consent for a new use within 30 days after completion of the consultation process, the Secretary shall not proceed with the new use.

(ii) Granting of consent

If the Pueblo consents to the new use in writing or fails to respond within 30 days after completion of the consultation process, the Secretary may proceed with the notice and comment process and the environmental analysis.

(B) Final request for consent

(i) Request

Before the Secretary (or a designee) signs a record of decision or decision notice for a proposed new use, the Secretary shall again request the consent of the Pueblo.

(ii) Denial of consent

If the Pueblo denies consent for a new use within 30 days after receipt by the Pueblo of the proposed record of decision or decision notice, the new use shall not be authorized.

(iii) Failure to respond

If the Pueblo fails to respond to the consent request within 30 days after receipt of the proposed record of decision or decision notice—

(I) the Pueblo shall be deemed to have consented to the proposed record of decision or decision notice; and

(II) the Secretary may proceed to issue the final record of decision or decision notice.

(3) Public involvement

(A) In general

With respect to a proposed new use or modified use, the public shall be provided notice of—

(i) the purpose and need for the proposed new use or modified use;

(ii) the role of the Pueblo in the decisionmaking process; and

(iii) the position of the Pueblo on the proposal.

(B) Court challenge

Any person may bring a civil action in the United States District Court for the District of New Mexico to challenge a determination