

SHORT TITLE

Pub. L. 106-248, title I, §101, July 25, 2000, 114 Stat. 598, which provided that title I of Pub. L. 106-248 (enacting sections 698v to 698v-10 of this title) could be cited as the “Valles Caldera Preservation Act”, was repealed by Pub. L. 113-291, div. B, title XXX, §3043(d)(1), Dec. 19, 2014, 128 Stat. 3798, effective on the termination of the Valles Caldera Trust.

TERMINATION OF VALLES CALDERA TRUST

Valles Caldera Trust to terminate 180 days after Dec. 19, 2014, unless the Secretary of the Interior determines that the date should be extended to facilitate the transitional management of the Valles Caldera National Preserve, see section 698v-11(c)(4)(A) of this title.

§ 698v-11. Valles Caldera National Preserve, New Mexico**(a) Definitions**

In this section:

(1) Eligible employee

The term “eligible employee” means a person who was a full-time or part-time employee of the Trust during the 180-day period immediately preceding December 19, 2014.

(2) Fund

The term “Fund” means the Valles Caldera Fund established by section 106(h)(2) of the Valles Caldera Preservation Act.

(3) Preserve

The term “Preserve” means the Valles Caldera National Preserve in the State.

(4) Secretary

The term “Secretary” means the Secretary of the Interior.

(5) State

The term “State” means the State of New Mexico.

(6) Trust

The term “Trust” means the Valles Caldera Trust established by section 106(a) of the Valles Caldera Preservation Act.

(b) Designation of Valles Caldera National Preserve as a unit of the National Park System**(1) In general**

To protect, preserve, and restore the fish, wildlife, watershed, natural, scientific, scenic, geologic, historic, cultural, archaeological, and recreational values of the area, the Valles Caldera National Preserve is designated as a unit of the National Park System.

(2) Boundary**(A) In general**

The boundary of the Preserve shall consist of approximately 89,900 acres of land as depicted on the map entitled “Valles Caldera National Preserve Proposed Boundary”, numbered P80/102,036C, and dated November 4, 2014.

(B) Availability of map

The map described in subparagraph (A) shall be on file and available for public inspection in appropriate offices of the National Park Service.

(3) Management**(A) Applicable law**

The Secretary shall administer the Preserve in accordance with—

- (i) this section; and
- (ii) the laws generally applicable to units of the National Park System, including—
 - (I) the National Park Service Organic Act (16 U.S.C. 1 et seq.);¹ and
 - (II) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).¹

(B) Management coordination

The Secretary may coordinate the management and operations of the Preserve with the Bandelier National Monument.

(C) Management plan**(i) In general**

Not later than 3 fiscal years after the date on which funds are made available to implement this subparagraph, the Secretary shall prepare a management plan for the Preserve.

(ii) Applicable law

The management plan shall be prepared in accordance with—

- (I) section 100502 of title 54; and
- (II) any other applicable laws.

(iii) Consultation

The management plan shall be prepared in consultation with—

- (I) the Secretary of Agriculture;
- (II) State and local governments;
- (III) Indian tribes and pueblos, including the Pueblos of Jemez, Santa Clara, and San Ildefonso; and
- (IV) the public.

(4) Acquisition of land**(A) In general**

The Secretary may acquire land and interests in land within the boundaries of the Preserve by—

- (i) purchase from a willing seller with donated or appropriated funds; or
- (ii) donation.

(B) Prohibition of condemnation

No land or interest in land within the boundaries of the Preserve may be acquired by condemnation.

(C) Administration of acquired land

On acquisition of any land or interests in land under subparagraph (A), the acquired land or interests in land shall be administered as part of the Preserve.

(5) Science and education program**(A) In general**

The Secretary shall—

- (i) until the date on which a management plan is completed in accordance with paragraph (3)(C), carry out the science and education program for the Preserve established by the Trust; and
- (ii) beginning on the date on which a management plan is completed in accordance with paragraph (3)(C), establish a science and education program for the Preserve that—

- (I) allows for research and interpretation of the natural, historic, cultural,

¹ See References in Text note below.

geologic and other scientific features of the Preserve;

(II) provides for improved methods of ecological restoration and science-based adaptive management of the Preserve; and

(III) promotes outdoor educational experiences in the Preserve.

(B) Science and education center

As part of the program established under subparagraph (A)(ii), the Secretary may establish a science and education center outside the boundaries of the Preserve in Jemez Springs, New Mexico.

(6) Grazing

The Secretary shall allow the grazing of livestock within the Preserve to continue—

(A) at levels and locations determined by the Secretary to be appropriate, consistent with this section; and

(B) to the extent the use furthers scientific research or interpretation of the ranching history of the Preserve.

(7) Hunting, fishing, and trapping

(A) In general

Except as provided in subparagraph (B), the Secretary shall permit hunting, fishing, and trapping on land and water within the Preserve in accordance with applicable Federal and State law.

(B) Administrative exceptions

The Secretary may designate areas in which, and establish limited periods during which, no hunting, fishing, or trapping shall be permitted under subparagraph (A) for reasons of public safety, administration, or compliance with applicable law.

(C) Agency agreement

Except in an emergency, regulations closing areas within the Preserve to hunting, fishing, or trapping under this paragraph shall be made in consultation with the appropriate agency of the State having responsibility for fish and wildlife administration.

(D) Savings clause

Nothing in this section affects any jurisdiction or responsibility of the State with respect to fish and wildlife in the Preserve.

(8) Ecological restoration

(A) In general

The Secretary shall undertake activities to improve the health of forest, grassland, and riparian areas within the Preserve, including any activities carried out in accordance with title IV of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7301 et seq.).

(B) Agreements

The Secretary may enter into agreements with adjacent pueblos to coordinate activities carried out under subparagraph (A) on the Preserve and adjacent pueblo land.

(9) Withdrawal

Subject to valid existing rights, all land and interests in land within the boundaries of the Preserve are withdrawn from—

(A) entry, disposal, or appropriation under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing laws, geothermal leasing laws, and mineral materials laws.

(10) Volcanic domes and other peaks

(A) In general

Except as provided in subparagraph (C), for the purposes of preserving the natural, cultural, religious, archaeological, and historic resources of the volcanic domes and other peaks in the Preserve described in subparagraph (B) within the area of the domes and peaks above 9,600 feet in elevation or 250 feet below the top of the dome, whichever is lower—

(i) no roads or buildings shall be constructed; and

(ii) no motorized access shall be allowed.

(B) Description of volcanic domes

The volcanic domes and other peaks referred to in subparagraph (A) are—

(i) Redondo Peak;

(ii) Redondito;

(iii) South Mountain;

(iv) San Antonio Mountain;

(v) Cerro Seco;

(vi) Cerro San Luis;

(vii) Cerros Santa Rosa;

(viii) Cerros del Abrigo;

(ix) Cerro del Medio;

(x) Rabbit Mountain;

(xi) Cerro Grande;

(xii) Cerro Toledo;

(xiii) Indian Point;

(xiv) Sierra de los Valles; and

(xv) Cerros de los Posos.

(C) Exception

Subparagraph (A) shall not apply in cases in which construction or motorized access is necessary for administrative purposes (including ecological restoration activities or measures required in emergencies to protect the health and safety of persons in the area).

(11) Traditional cultural and religious sites

(A) In general

The Secretary, in consultation with Indian tribes and pueblos, shall ensure the protection of traditional cultural and religious sites in the Preserve.

(B) Access

The Secretary, in accordance with Public Law 95-341 (commonly known as the “American Indian Religious Freedom Act”) (42 U.S.C. 1996)—

(i) shall provide access to the sites described in subparagraph (A) by members of Indian tribes or pueblos for traditional cultural and customary uses; and

(ii) may, on request of an Indian tribe or pueblo, temporarily close to general public use 1 or more specific areas of the Preserve to protect traditional cultural and customary uses in the area by members of the Indian tribe or pueblo.

(C) Prohibition on motorized access

The Secretary shall maintain prohibitions on the use of motorized or mechanized travel on Preserve land located adjacent to the Santa Clara Indian Reservation, to the extent the prohibition was in effect on December 19, 2014.

(12) Caldera rim trail**(A) In general**

Not later than 3 years after December 19, 2014, the Secretary, in consultation with the Secretary of Agriculture, affected Indian tribes and pueblos, and the public, shall study the feasibility of establishing a hiking trail along the rim of the Valles Caldera on—

- (i) land within the Preserve; and
- (ii) National Forest System land that is adjacent to the Preserve.

(B) Agreements

On the request of an affected Indian tribe or pueblo, the Secretary and the Secretary of Agriculture shall seek to enter into an agreement with the Indian tribe or pueblo with respect to the Caldera Rim Trail that provides for the protection of—

- (i) cultural and religious sites in the vicinity of the trail; and
- (ii) the privacy of adjacent pueblo land.

(13) Valid existing rights

Nothing in this section affects valid existing rights.

(c) Transfer of administrative jurisdiction**(1) In general**

Administrative jurisdiction over the Preserve is transferred from the Secretary of Agriculture and the Trust to the Secretary, to be administered as a unit of the National Park System, in accordance with subsection (b).

(2) Exclusion from Santa Fe National Forest

The boundaries of the Santa Fe National Forest are modified to exclude the Preserve.

(3) Interim management**(A) Memorandum of agreement**

Not later than 90 days after December 19, 2014, the Secretary and the Trust shall enter into a memorandum of agreement to facilitate the orderly transfer to the Secretary of the administration of the Preserve.

(B) Existing management plans

Notwithstanding the repeal made by subsection (d)(1), until the date on which the Secretary completes a management plan for the Preserve in accordance with subsection (b)(3)(C), the Secretary may administer the Preserve in accordance with any management activities or plans adopted by the Trust under the Valles Caldera Preservation Act, to the extent the activities or plans are consistent with subsection (b)(3)(A).

(C) Public use

The Preserve shall remain open to public use during the interim management period, subject to such terms and conditions as the Secretary determines to be appropriate.

(4) Valles Caldera Trust**(A) Termination**

The Trust shall terminate 180 days after December 19, 2014, unless the Secretary determines that the termination date should be extended to facilitate the transitional management of the Preserve.

(B) Assets and liabilities**(i) Assets**

On termination of the Trust—

(I) all assets of the Trust shall be transferred to the Secretary; and

(II) any amounts appropriated for the Trust shall remain available to the Secretary for the administration of the Preserve.

(ii) Assumption of obligations**(I) In general**

On termination of the Trust, the Secretary shall assume all contracts, obligations, and other liabilities of the Trust.

(II) New liabilities**(aa) Budget**

Not later than 90 days after December 19, 2014, the Secretary and the Trust shall prepare a budget for the interim management of the Preserve.

(bb) Written concurrence required

The Trust shall not incur any new liabilities not authorized in the budget prepared under item (aa) without the written concurrence of the Secretary.

(C) Personnel**(i) Hiring**

The Secretary and the Secretary of Agriculture may hire employees of the Trust on a noncompetitive basis for comparable positions at the Preserve or other areas or offices under the jurisdiction of the Secretary or the Secretary of Agriculture.

(ii) Salary

Any employees hired from the Trust under clause (i) shall be subject to the provisions of chapter 51, and subchapter III of chapter 53, title 5, relating to classification and General Schedule pay rates.

(iii) Interim retention of eligible employees

For a period of not less than 180 days beginning on December 19, 2014, all eligible employees of the Trust shall be—

(I) retained in the employment of the Trust;

(II) considered to be placed on detail to the Secretary; and

(III) subject to the direction of the Secretary.

(iv) Termination for cause

Nothing in this subparagraph precludes the termination of employment of an eligible employee for cause during the period described in clause (iii).

(D) Records

The Secretary shall have access to all records of the Trust pertaining to the management of the Preserve.

(E) Valles Caldera Fund**(i) In general**

Effective on December 19, 2014, the Secretary shall assume the powers of the Trust over the Fund.

(ii) Availability and use

Any amounts in the Fund as of December 19, 2014, shall be available to the Secretary for use, without further appropriation, for the management of the Preserve.

(d) Repeal of Valles Caldera Preservation Act**(1) Repeal**

On the termination of the Trust, the Valles Caldera Preservation Act is repealed.

(2) Effect of repeal

Notwithstanding the repeal made by paragraph (1)—

(A) the authority of the Secretary of Agriculture to acquire mineral interests under section 104(e) of the Valles Caldera Preservation Act is transferred to the Secretary and any proceeding for the condemnation of, or payment of compensation for, an outstanding mineral interest pursuant to the transferred authority shall continue;

(B) the provisions in section 104(g)² of the Valles Caldera Preservation Act relating to the Pueblo of Santa Clara shall remain in effect; and

(C) the Fund shall not be terminated until all amounts in the Fund have been expended by the Secretary.

(3) Boundaries

The repeal of the Valles Caldera Preservation Act shall not affect the boundaries as of December 19, 2014, (including maps and legal descriptions) of—

(A) the Preserve;

(B) the Santa Fe National Forest (other than the modification made by subsection (c)(2));

(C) Bandelier National Monument; and

(D) any land conveyed to the Pueblo of Santa Clara.

(Pub. L. 113-291, div. B, title XXX, § 3043, Dec. 19, 2014, 128 Stat. 3792.)

REFERENCES IN TEXT

The Valles Caldera Preservation Act, referred to in subsecs. (a)(2), (6), (c)(3)(B), and (d), is title I of Pub. L. 106-248, July 25, 2000, 114 Stat. 598, which was classified to sections 698v to 698v-10 of this title, prior to repeal by subsec. (d)(1) of this section. Sections 104 and 106 of the Act were classified to sections 698v-2 and 698v-4 of this title, respectively. For complete classification of this Act to the Code, see Tables.

The National Park Service Organic Act (16 U.S.C. 1 et seq.), referred to in subsec. (b)(3)(A)(ii)(I), is act Aug. 25, 1916, ch. 408, 39 Stat. 535, which enacted sections 1, 2, 3, and 4 of this title and provisions set out as a note under section 100101 of Title 54, National Park Service and Related Programs. Sections 1 to 4 of the Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of Title 54 by Pub. L. 113-287, §§ 3, 4(a)(1), 7, Dec.

²Text of section 104(g) is set out as a Pueblo of Santa Clara note below.

19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

Act of August 21, 1935 (16 U.S.C. 461 et seq.), referred to in subsec. (b)(3)(A)(ii)(II), is act Aug. 21, 1935, ch. 593, 49 Stat. 666, known as the Historic Sites Act of 1935 and also as the Historic Sites, Buildings, and Antiquities Act, which enacted sections 461 to 467 of this title. The Act was repealed and restated as section 1866(a) of Title 18, Crimes and Criminal Procedure, and sections 102303 and 102304 and chapter 3201 of Title 54, National Park Service and Related Programs, by Pub. L. 113-287, §§ 3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

The Omnibus Public Land Management Act of 2009, referred to in subsec. (b)(8)(A), is Pub. L. 111-11, Mar. 30, 2009, 123 Stat. 991. Title IV of the Act is classified generally to chapter 92 (§ 7301 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

Public Law 95-341, referred to in subsec. (b)(11)(B), is Pub. L. 95-341, Aug. 11, 1978, 92 Stat. 469, popularly known as the American Indian Religious Freedom Act, which is classified to sections 1996 and 1996a of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1996 of Title 42 and Tables.

CODIFICATION

In subsec. (b)(3)(C)(ii)(I), “section 100502 of title 54” substituted for “section 12(b) of Public Law 91-383 (commonly known as the ‘National Park Service General Authorities Act’) (16 U.S.C. 1a-7(b))” on authority of Pub. L. 113-287, § 6(e), Dec. 19, 2014, 128 Stat. 3272, which Act enacted Title 54, National Park Service and Related Programs.

PUEBLO OF SANTA CLARA

Pub. L. 106-248, title I, § 104(g), July 25, 2000, 114 Stat. 602, provided that:

“(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 section 104(e) [former 16 U.S.C. 698v-2(e)] 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.”

[Pursuant to subsec. (d)(2)(B) of this section, the provisions in section 104(g) of the Valles Caldera Preservation Act, Pub. L. 106-248 (formerly 16 U.S.C. 698v-2(g)), set out above, remain in effect, notwithstanding the repeal of Pub. L. 106-248 by subsec. (d)(1) of this section.]

§ 698w. Special management requirements for Federal lands recently added to Craters of the Moon National Monument, Idaho

(a) Redesignation

The approximately 410,000 acres of land added to the Craters of the Moon National Monument by Presidential Proclamation 7373 of November 9, 2000, and identified on the map accompanying the Proclamation for administration by the National Park Service, shall, on and after August 21, 2002, be known as the “Craters of the Moon National Preserve”.

(b) Administration

(1) In general

Except as provided by paragraph (2), the Craters of the Moon National Preserve shall be administered in accordance with—

(A) Presidential Proclamation 7373 of November 9, 2000;

(B) the Act of June 8, 1906,¹ (commonly referred to as the “Antiquities Act”); 34 Stat. 225; 16 U.S.C. 431);² and

(C) the laws generally applicable to units of the National Park System, including the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1 et seq.).²

(2) Hunting

The Secretary of the Interior shall permit hunting on lands within the Craters of the Moon National Preserve in accordance with the applicable laws of the United States and the State of Idaho. The Secretary, in consultation with the State of Idaho, may designate zones where, and establish periods when, no hunting may be permitted for reasons of public safety, protection of the area’s resources, administration, or public use and enjoyment. Except in emergencies, any regulations prescribing such restrictions relating to hunting shall be put into effect only after consultation with the State of Idaho.

(Pub. L. 107–213, §1, Aug. 21, 2002, 116 Stat. 1052.)

REFERENCES IN TEXT

Presidential Proclamation 7373, referred to in subsecs. (a) and (b)(1)(A), appears in the item for Craters of the Moon National Monument, Idaho, in the table under the heading “National Monuments Established Under Presidential Proclamation”, set out as a note under section 320301 of Title 54, National Park Service and Related Programs.

Act of June 8, 1906, (commonly referred to as the “Antiquities Act”); 34 Stat. 225; 16 U.S.C. 431, referred to in subsec. (b)(1)(B), is act June 8, 1906, ch. 3060, 34 Stat. 225, which was classified generally to sections 431, 432, and 433 of this title. The Act was repealed and restated as section 1866(b) of Title 18, Crimes and Criminal Procedure, and sections 320301(a) to (c), 320302, and 320303 of Title 54, National Park Service and Related Programs, by Pub. L. 113–287, §§3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

The Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August

25, 1916 (16 U.S.C. 1 et seq.), referred to in subsec. (b)(1)(C), is act Aug. 25, 1916, ch. 408, 39 Stat. 535, known as the National Park Service Organic Act, which enacted sections 1, 2, 3, and 4 of this title and provisions set out as a note under section 100101 of Title 54, National Park Service and Related Programs. Sections 1 to 4 of the Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of Title 54 by Pub. L. 113–287, §§3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

CODIFICATION

Section is comprised of section 1 of Pub. L. 107–213. Section 1 also enacted provisions listed in a table of National Monuments Established Under Presidential Proclamation set out under section 320301 of Title 54, National Park Service and Related Programs.

CHAPTER 7—PROTECTION OF MIGRATORY GAME AND INSECTIVOROUS BIRDS

SUBCHAPTER I—GENERALLY

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¹ So in original. The comma probably should not appear.

² See References in Text note below.