

Calendar No. 596

111TH CONGRESS
2^D SESSION

S. 1689

[Report No. 111–310]

To designate certain land as components of the National Wilderness Preservation System and the National Landscape Conservation System in the State of New Mexico, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 17, 2009

Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

SEPTEMBER 27, 2010

Reported by Mr. BINGAMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To designate certain land as components of the National Wilderness Preservation System and the National Landscape Conservation System in the State of New Mexico, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Organ Mountains-
3 Desert Peaks Wilderness Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **CONSERVATION AREA.**—The term “Con-
7 servation Area” means each of the Organ Mountains
8 National Conservation Area and the Desert Peaks
9 National Conservation Area established by section
10 4(a).

11 (2) **MANAGEMENT PLAN.**—The term “manage-
12 ment plan” means the management plan for the
13 Conservation Areas developed under section 4(d).

14 (3) **SECRETARY.**—The term “Secretary” means
15 the Secretary of the Interior.

16 (4) **STATE.**—The term “State” means the State
17 of New Mexico.

18 **SEC. 3. DESIGNATION OF WILDERNESS AREAS.**

19 (a) **IN GENERAL.**—In accordance with the Wilderness
20 Act (16 U.S.C. 1131 et seq.), the following areas in the
21 State are designated as wilderness and as components of
22 the National Wilderness Preservation System:

23 (1) **ADEN LAVA FLOW WILDERNESS.**—Certain
24 land administered by the Bureau of Land Manage-
25 ment in Doña Ana County comprising approximately
26 27,650 acres as generally depicted on the map enti-

1 titled “Potrillo Mountains Complex” and dated Sep-
2 tember 16, 2009, which shall be known as the
3 “Aden Lava Flow Wilderness”.

4 (2) BROAD CANYON WILDERNESS.—Certain
5 land administered by the Bureau of Land Manage-
6 ment in Doña Ana County comprising approximately
7 13,900 acres as generally depicted on the map enti-
8 tled “Desert Peaks National Conservation Area”
9 and dated September 16, 2009, which shall be
10 known as the “Broad Canyon Wilderness”.

11 (3) CINDER CONE WILDERNESS.—Certain land
12 administered by the Bureau of Land Management in
13 Doña Ana County comprising approximately 16,950
14 acres as generally depicted on the map entitled
15 “Potrillo Mountains Complex” and dated September
16 16, 2009, which shall be known as the “Cinder Cone
17 Wilderness”.

18 (4) ORGAN MOUNTAINS WILDERNESS.—Certain
19 land administered by the Bureau of Land Manage-
20 ment in Doña Ana County comprising approximately
21 19,400 acres as generally depicted on the map enti-
22 tled “Organ Mountains National Conservation Area”
23 and dated September 16, 2009, which shall be
24 known as the “Organ Mountains Wilderness”.

1 (5) POTRILLO MOUNTAINS WILDERNESS.—Cer-
2 tain land administered by the Bureau of Land Man-
3 agement in Doña Ana and Luna counties comprising
4 approximately 143,450 acres as generally depicted
5 on the map entitled “Potrillo Mountains Complex”
6 and dated September 16, 2009, which shall be
7 known as the “Potrillo Mountains Wilderness”.

8 (6) ROBLEDO MOUNTAINS WILDERNESS.—Cer-
9 tain land administered by the Bureau of Land Man-
10 agement in Doña Ana County comprising approxi-
11 mately 17,000 acres as generally depicted on the
12 map entitled “Desert Peaks National Conservation
13 Area” and dated September 16, 2009, which shall be
14 known as the “Robledo Mountains Wilderness”.

15 (7) SIERRA DE LAS UVAS WILDERNESS.—Cer-
16 tain land administered by the Bureau of Land Man-
17 agement in Doña Ana County comprising approxi-
18 mately 11,100 acres as generally depicted on the
19 map entitled “Desert Peaks National Conservation
20 Area” and dated September 16, 2009, which shall be
21 known as the “Sierra de las Uvas Wilderness”.

22 (8) WHITETHORN WILDERNESS.—Certain land
23 administered by the Bureau of Land Management in
24 Doña Ana and Luna counties comprising approxi-
25 mately 9,600 acres as generally depicted on the map

1 entitled “Potrillo Mountains Complex” and dated
2 September 16, 2009, which shall be known as the
3 “Whitethorn Wilderness”.

4 (b) MANAGEMENT.—Subject to valid existing rights,
5 the wilderness areas designated by subsection (a) shall be
6 administered by the Secretary in accordance with this Act
7 and the Wilderness Act (16 U.S.C. 1131 et seq.), except
8 that any reference in the Wilderness Act to the effective
9 date of that Act shall be considered to be a reference to
10 the date of enactment of this Act.

11 (c) INCORPORATION OF ACQUIRED LAND AND INTER-
12 ESTS IN LAND.—Any land or interest in land that is with-
13 in the boundary of a wilderness area designated by sub-
14 section (a) that is acquired by the United States shall—

15 (1) become part of the wilderness area within
16 the boundaries of which the land is located; and

17 (2) be managed in accordance with—

18 (A) the Wilderness Act (16 U.S.C. 1131 et
19 seq.);

20 (B) this Act; and

21 (C) any other applicable laws.

22 (d) GRAZING.—Grazing of livestock in the wilderness
23 areas designated by subsection (a), where established be-
24 fore the date of enactment of this Act, shall be adminis-
25 tered in accordance with—

1 (1) section 4(d)(4) of the Wilderness Act (16
2 U.S.C. 1133(d)(4)); and

3 (2) the guidelines set forth in appendix A of the
4 Report of the Committee on Interior and Insular Af-
5 fairs to accompany H.R. 2570 of the 101st Congress
6 (H. Rept. 101-405).

7 (e) **MILITARY OVERFLIGHTS.**—Nothing in this sec-
8 tion restricts or precludes—

9 (1) low-level overflights of military aircraft over
10 the wilderness areas designated by subsection (a);
11 including military overflights that can be seen or
12 heard within the wilderness areas;

13 (2) flight testing and evaluation; or

14 (3) the designation or creation of new units of
15 special use airspace, or the establishment of military
16 flight training routes, over the wilderness areas.

17 (f) **BUFFER ZONES.**—

18 (1) **IN GENERAL.**—Nothing in this section cre-
19 ates a protective perimeter or buffer zone around
20 any wilderness area designated by subsection (a).

21 (2) **ACTIVITIES OUTSIDE WILDERNESS**
22 **AREAS.**—The fact that an activity or use on land
23 outside any wilderness area designated by subsection
24 (a) can be seen or heard within the wilderness area

1 shall not preclude the activity or use outside the
2 boundary of the wilderness area.

3 ~~(g) POTENTIAL WILDERNESS AREA.—~~

4 ~~(1) ROBLEDO MOUNTAINS POTENTIAL WILDER-~~
5 ~~NESS AREA.—~~

6 ~~(A) IN GENERAL.—~~Certain land adminis-
7 tered by the Bureau of Land Management,
8 comprising approximately 100 acres as gen-
9 erally depicted as “Potential Wilderness” on the
10 map entitled “Desert Peaks National Conserva-
11 tion Area” and dated September 16, 2009, is
12 designated as a potential wilderness area.

13 ~~(B) DESIGNATION AS WILDERNESS.—~~

14 ~~(i) IN GENERAL.—~~On the date on
15 which the Secretary publishes in the Fed-
16 eral Register the notice described in clause
17 ~~(ii)~~, the potential wilderness area des-
18 igned under subparagraph ~~(A)~~ shall be—

19 ~~(I)~~ designated as wilderness and
20 as a component of the National Wil-
21 derness Preservation System; and

22 ~~(II)~~ incorporated into the
23 Robledo Mountains Wilderness des-
24 igned by subsection ~~(a)(6)~~.

1 (ii) NOTICE.—The notice referred to
2 in clause (i) is notice that—

3 (I) the ~~communications~~ site with-
4 in the potential wilderness area des-
5 igned under subparagraph (A) is no
6 longer used;

7 (II) the associated right-of-way is
8 relinquished or not renewed; and

9 (III) the conditions in the poten-
10 tial wilderness area designated by sub-
11 paragraph (A) are compatible with the
12 Wilderness Act (16 U.S.C. 1131 et
13 seq.).

14 (h) RELEASE OF WILDERNESS STUDY AREAS.—Con-
15 gress finds that, for purposes of section 603(e) of the Fed-
16 eral Land Policy and Management Act of 1976 (43 U.S.C.
17 1782(e)), the public land in Doña Ana County adminis-
18 tered by the Bureau of Land Management not designated
19 as wilderness by subsection (a)—

20 (1) has been adequately studied for wilderness
21 designation;

22 (2) is no longer subject to section 603(e) of the
23 Federal Land Policy and Management Act of 1976
24 (43 U.S.C. 1782(e)); and

25 (3) shall be managed in accordance with—

1 (A) the Federal Land Policy and Manage-
2 ment Act of 1976 (43 U.S.C. 1701 et seq.);

3 (B) this Act; and

4 (C) any other applicable laws.

5 **SEC. 4. ESTABLISHMENT OF NATIONAL CONSERVATION**
6 **AREAS.**

7 (a) **ESTABLISHMENT.**—The following areas in the
8 State are established as National Conservation Areas:

9 (1) **ORGAN MOUNTAINS NATIONAL CONSERVA-**
10 **TION AREA.**—Certain land administered by the Bu-
11 reau of Land Management in Doña Ana County
12 comprising approximately 86,650 acres as generally
13 depicted on the map entitled “Organ Mountains Na-
14 tional Conservation Area” and dated September 16,
15 2009, which shall be known as the “Organ Moun-
16 tains National Conservation Area”.

17 (2) **DESERT PEAKS NATIONAL CONSERVATION**
18 **AREA.**—Certain land administered by the Bureau of
19 Land Management in Doña Ana County comprising
20 approximately 75,600 acres, as generally depicted on
21 the map entitled “Desert Peaks National Conserva-
22 tion Area” and dated September 16, 2009, which
23 shall be known as the “Desert Peaks National Con-
24 servation Area”.

1 (b) PURPOSES.—The purposes of the Conservation
2 Areas are to conserve, protect, and enhance for the benefit
3 and enjoyment of present and future generations the cul-
4 tural, archaeological, natural, geological, historical, eco-
5 logical, wildlife, educational, recreational, and scenic re-
6 sources of the Conservation Areas.

7 (c) MANAGEMENT.—

8 (1) IN GENERAL.—The Secretary shall manage
9 the Conservation Areas—

10 (A) in a manner that conserves, protects,
11 and enhances the resources of the Conservation
12 Areas; and

13 (B) in accordance with—

14 (i) the Federal Land Policy and Man-
15 agement Act of 1976 (43 U.S.C. 1701 et
16 seq.);

17 (ii) this Act; and

18 (iii) any other applicable laws.

19 (2) USES.—

20 (A) IN GENERAL.—The Secretary shall
21 allow only such uses of the Conservation Areas
22 that the Secretary determines would further the
23 purposes described in subsection (b).

24 (B) USE OF MOTORIZED VEHICLES.—

1 (i) ~~IN GENERAL.~~—Except as needed
2 for administrative purposes or to respond
3 to an emergency, the use of motorized ve-
4 hicles in the Conservation Areas shall be
5 permitted only on roads designated for use
6 by motorized vehicles in the management
7 plan.

8 (ii) ~~NEW ROADS.~~—No additional road
9 shall be built within the Conservation
10 Areas after the date of enactment of this
11 Act unless the road is necessary for public
12 safety or natural resource protection.

13 (C) ~~GRAZING.~~—The Secretary shall permit
14 grazing within the Conservation Areas, where
15 established before the date of enactment of this
16 Act—

17 (i) subject to all applicable laws (in-
18 cluding regulations) and Executive orders;
19 and

20 (ii) consistent with the purposes de-
21 scribed in subsection (b).

22 (D) ~~UTILITY RIGHT-OF-WAY UPGRADES.~~—
23 Nothing in this section precludes the Secretary
24 from renewing or authorizing the upgrading
25 (including widening) of an existing utility right-

1 of-way through the Organ Mountains National
2 Conservation Area—

3 (i) in accordance with—

4 (I) the National Environmental
5 Policy Act of 1969 (42 U.S.C. 4321
6 et seq.); and

7 (II) any other applicable law; and

8 (ii) subject to such terms and condi-
9 tions as the Secretary determines to be ap-
10 propriate.

11 (d) MANAGEMENT PLAN.—

12 (1) IN GENERAL.—Not later than 3 years after
13 the date of enactment of this Act, the Secretary
14 shall develop a management plan for each of the
15 Conservation Areas.

16 (2) CONSULTATION.—The management plans
17 shall be developed in consultation with—

18 (A) State, tribal, and local governments;

19 and

20 (B) the public.

21 (3) CONSIDERATIONS.—In preparing and imple-
22 menting the management plans, the Secretary shall
23 consider the recommendations of Indian tribes and
24 pueblos on methods for—

1 (A) ensuring access to, and protection for,
2 traditional cultural and religious sites in the
3 Conservation Areas; and

4 (B) enhancing the privacy and continuity
5 of traditional cultural and religious activities in
6 the Conservation Areas.

7 (e) INCORPORATION OF ACQUIRED LAND AND INTER-
8 ESTS IN LAND.—Any land or interest in land that is with-
9 in the boundary of a Conservation Area designated by sub-
10 section (a) that is acquired by the United States shall—

11 (1) become part of the Conservation Area with-
12 in the boundaries of which the land is located; and

13 (2) be managed in accordance with—

14 (A) this Act; and

15 (B) any other applicable laws.

16 (f) TRANSFER OF ADMINISTRATIVE JURISDICTION.—
17 On the date of enactment of this Act, administrative juris-
18 diction over the approximately 2,050 acres of land gen-
19 erally depicted as “Transfer from DOD to BLM” on the
20 map entitled “Organ Mountains National Conservation
21 Area” and dated September 16, 2009, shall—

22 (1) be transferred from the Secretary of De-
23 fense to the Secretary;

24 (2) become part of the Organ Mountains Na-
25 tional Conservation Area; and

1 ~~(3)~~ be managed in accordance with—

2 (A) this Act; and

3 (B) any other applicable laws.

4 **SEC. 5. GENERAL PROVISIONS.**

5 (a) **MAPS AND LEGAL DESCRIPTIONS.—**

6 (1) **IN GENERAL.—**As soon as practicable after
7 the date of enactment of this Act, the Secretary
8 shall file maps and legal descriptions of the Con-
9 servation Areas and the wilderness areas designated
10 by section ~~3~~(a) with—

11 (A) the Committee on Energy and Natural
12 Resources of the Senate; and

13 (B) the Committee on Natural Resources
14 of the House of Representatives.

15 (2) **FORCE OF LAW.—**The maps and legal de-
16 scriptions filed under paragraph (1) shall have the
17 same force and effect as if included in this Act, ex-
18 cept that the Secretary may correct errors in the
19 maps and legal descriptions.

20 (3) **PUBLIC AVAILABILITY.—**The maps and
21 legal descriptions filed under paragraph (1) shall be
22 on file and available for public inspection in the ap-
23 propriate offices of the Bureau of Land Manage-
24 ment.

1 (b) NATIONAL LANDSCAPE CONSERVATION SYS-
2 TEM.—The Conservation Areas and the wilderness areas
3 designated by section 3(a) shall be administered as compo-
4 nents of the National Landscape Conservation System.

5 (c) FISH AND WILDLIFE.—Nothing in this Act af-
6 fects the jurisdiction of the State with respect to fish and
7 wildlife located on public land in the State, except that
8 the Secretary, after consultation with the New Mexico De-
9 partment of Game and Fish, may designate zones where,
10 and establish periods during which, hunting, or fishing
11 shall not be allowed for reasons of public safety, adminis-
12 tration, the protection for nongame species and their habi-
13 tats, or public use and enjoyment.

14 (d) WITHDRAWALS.—

15 (1) IN GENERAL.—Subject to valid existing
16 rights, the Federal land within the Conservation
17 Areas, the wilderness areas designated by section
18 3(a), and the approximately 6,300 acres of land gen-
19 erally depicted as “Parcel B” on the map entitled
20 “Organ Mountains National Conservation Area” and
21 dated September 16, 2009, including any land or in-
22 terest in land that is acquired by the United States
23 after the date of enactment of this Act within such
24 areas, is withdrawn from—

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

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

5 (C) operation of the mineral leasing, min-
6 eral materials, and geothermal leasing laws.

7 (2) ~~LIMITED WITHDRAWAL.~~—The approxi-
8 mately 1,300 acres of land generally depicted as
9 “Parcel A” on the map entitled “Organ Mountains
10 National Conservation Area” and dated September
11 16, 2009, is withdrawn in accordance with para-
12 graph (1), except from disposal under the Act of
13 June 14, 1926 (commonly known as the “Recreation
14 and Public Purposes Act” (43 U.S.C. 869 et seq.)).

15 **SEC. 6. PREHISTORIC TRACKWAYS NATIONAL MONUMENT**

16 **BOUNDARY ADJUSTMENT.**

17 Section 2103(b) of the Omnibus Public Land Man-
18 agement Act of 2009 (16 U.S.C. 431 note; Public Law
19 111–11; 123 Stat. 1097) is amended by striking “Decem-
20 ber 17, 2008” and inserting “July 30, 2009”.

21 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

22 There are authorized to be appropriated such sums
23 as are necessary to carry out this Act.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Organ Mountains–*
 3 *Desert Peaks Wilderness Act”.*

4 **SEC. 2. DEFINITIONS.**

5 *In this Act:*

6 (1) **CONSERVATION AREA.**—*The term “Conserva-*
 7 *tion Area” means each of the Organ Mountains Na-*
 8 *tional Conservation Area and the Desert Peaks Na-*
 9 *tional Conservation Area established by section 4(a).*

10 (2) **MANAGEMENT PLAN.**—*The term “manage-*
 11 *ment plan” means the management plan for the Con-*
 12 *servation Areas developed under section 4(d).*

13 (3) **SECRETARY.**—*The term “Secretary” means*
 14 *the Secretary of the Interior.*

15 (4) **STATE.**—*The term “State” means the State*
 16 *of New Mexico.*

17 **SEC. 3. DESIGNATION OF WILDERNESS AREAS.**

18 (a) **IN GENERAL.**—*In accordance with the Wilderness*
 19 *Act (16 U.S.C. 1131 et seq.), the following areas in the State*
 20 *are designated as wilderness and as components of the Na-*
 21 *tional Wilderness Preservation System:*

22 (1) **ADEN LAVA FLOW WILDERNESS.**—*Certain*
 23 *land administered by the Bureau of Land Manage-*
 24 *ment in Doña Ana County comprising approximately*
 25 *27,650 acres, as generally depicted on the map enti-*
 26 *tled “Potrillo Mountains Complex” and dated May*

1 18, 2010, which shall be known as the “Aden Lava
2 Flow Wilderness”.

3 (2) *BROAD CANYON WILDERNESS.*—Certain land
4 administered by the Bureau of Land Management in
5 Doña Ana County comprising approximately 13,900
6 acres, as generally depicted on the map entitled
7 “Desert Peaks National Conservation Area” and
8 dated May 18, 2010, which shall be known as the
9 “Broad Canyon Wilderness”.

10 (3) *CINDER CONE WILDERNESS.*—Certain land
11 administered by the Bureau of Land Management in
12 Doña Ana County comprising approximately 16,950
13 acres, as generally depicted on the map entitled
14 “Potrillo Mountains Complex” and dated May 18,
15 2010, which shall be known as the “Cinder Cone Wil-
16 derness”.

17 (4) *ORGAN MOUNTAINS WILDERNESS.*—Certain
18 land administered by the Bureau of Land Manage-
19 ment in Doña Ana County comprising approximately
20 19,400 acres, as generally depicted on the map enti-
21 tled “Organ Mountains National Conservation Area”
22 and dated June 22, 2010, which shall be known as the
23 “Organ Mountains Wilderness”.

24 (5) *POTRILLO MOUNTAINS WILDERNESS.*—Cer-
25 tain land administered by the Bureau of Land Man-

1 *agement in Doña Ana and Luna counties comprising*
2 *approximately 125,850 acres, as generally depicted on*
3 *the map entitled “Potrillo Mountains Complex” and*
4 *dated May 18, 2010, which shall be known as the*
5 *“Potrillo Mountains Wilderness”.*

6 (6) *ROBLEDO MOUNTAINS WILDERNESS.—Cer-*
7 *tain land administered by the Bureau of Land Man-*
8 *agement in Doña Ana County comprising approxi-*
9 *mately 16,950 acres, as generally depicted on the map*
10 *entitled “Desert Peaks National Conservation Area”*
11 *and dated May 18, 2010, which shall be known as the*
12 *“Robledo Mountains Wilderness”.*

13 (7) *SIERRA DE LAS UVAS WILDERNESS.—Certain*
14 *land administered by the Bureau of Land Manage-*
15 *ment in Doña Ana County comprising approximately*
16 *11,100 acres, as generally depicted on the map enti-*
17 *tled “Desert Peaks National Conservation Area” and*
18 *dated May 18, 2010, which shall be known as the “Si-*
19 *erra de las Uvas Wilderness”.*

20 (8) *WHITETHORN WILDERNESS.—Certain land*
21 *administered by the Bureau of Land Management in*
22 *Doña Ana and Luna counties comprising approxi-*
23 *mately 9,600 acres, as generally depicted on the map*
24 *entitled “Potrillo Mountains Complex” and dated*

1 *May 18, 2010, which shall be known as the*
2 *“Whitethorn Wilderness”.*

3 **(b) MANAGEMENT.**—*Subject to valid existing rights,*
4 *the wilderness areas designated by subsection (a) shall be*
5 *administered by the Secretary in accordance with this Act*
6 *and the Wilderness Act (16 U.S.C. 1131 et seq.) except*
7 *that—*

8 *(1) any reference in the Wilderness Act to the ef-*
9 *fective date of that Act shall be considered to be a ref-*
10 *erence to the date of enactment of this Act; and*

11 *(2) any reference in the Wilderness Act to the*
12 *Secretary of Agriculture shall be considered to be a*
13 *reference to the Secretary of the Interior.*

14 **(c) INCORPORATION OF ACQUIRED LAND AND INTER-**
15 **ESTS IN LAND.**—*Any land or interest in land that is within*
16 *the boundary of a wilderness area designated by subsection*
17 *(a) that is acquired by the United States shall—*

18 *(1) become part of the wilderness area within the*
19 *boundaries of which the land is located; and*

20 *(2) be managed in accordance with—*

21 *(A) the Wilderness Act (16 U.S.C. 1131 et*
22 *seq.);*

23 *(B) this Act; and*

24 *(C) any other applicable laws.*

1 (d) *GRAZING.*—*Grazing of livestock in the wilderness*
2 *areas designated by subsection (a), where established before*
3 *the date of enactment of this Act, shall be administered in*
4 *accordance with—*

5 (1) *section 4(d)(4) of the Wilderness Act (16*
6 *U.S.C. 1133(d)(4)); and*

7 (2) *the guidelines set forth in Appendix A of the*
8 *Report of the Committee on Interior and Insular Af-*
9 *airs to accompany H.R. 2570 of the 101st Congress*
10 *(H. Rept. 101-405).*

11 (e) *MILITARY OVERFLIGHTS.*—*Nothing in this section*
12 *restricts or precludes—*

13 (1) *low-level overflights of military aircraft over*
14 *the wilderness areas designated by subsection (a), in-*
15 *cluding military overflights that can be seen or heard*
16 *within the wilderness areas;*

17 (2) *the designation of new units of special air-*
18 *space over the wilderness areas or wilderness addi-*
19 *tions designated by this Act; or*

20 (3) *the use or establishment of military flight*
21 *training routes over wilderness areas or wilderness*
22 *additions designated by this Act.*

23 (f) *BUFFER ZONES.*—

1 (1) *IN GENERAL.*—*Nothing in this section creates*
2 *a protective perimeter or buffer zone around any wil-*
3 *derness area designated by subsection (a).*

4 (2) *ACTIVITIES OUTSIDE WILDERNESS AREAS.*—
5 *The fact that an activity or use on land outside any*
6 *wilderness area designated by subsection (a) can be*
7 *seen or heard within the wilderness area shall not*
8 *preclude the activity or use outside the boundary of*
9 *the wilderness area.*

10 (g) *PERMIT AUTHORIZATION.*—*The Secretary may*
11 *continue to authorize the competitive running event per-*
12 *mitted from 1970 through 2010 in the vicinity of the bound-*
13 *aries of the Organ Mountains Wilderness designated by sub-*
14 *section (a)(4) in a manner compatible with the preservation*
15 *of the area as wilderness.*

16 (h) *POTENTIAL WILDERNESS AREA.*—

17 (1) *ROBLEDO MOUNTAINS POTENTIAL WILDER-*
18 *NESS AREA.*—

19 (A) *IN GENERAL.*—*Certain land adminis-*
20 *tered by the Bureau of Land Management, com-*
21 *prising approximately 100 acres as generally de-*
22 *scribed as “Potential Wilderness” on the map en-*
23 *itled “Desert Peaks National Conservation*
24 *Area” and dated May 18, 2010, is designated as*
25 *a potential wilderness area.*

1 (B) *USES.*—*The Secretary shall permit*
2 *only such uses on the land described in subpara-*
3 *graph (A) that were permitted on the date of en-*
4 *actment of this Act.*

5 (C) *DESIGNATION AS WILDERNESS.*—

6 (i) *IN GENERAL.*—*On the date on*
7 *which the Secretary publishes in the Federal*
8 *Register the notice described in clause (ii),*
9 *the potential wilderness area designated*
10 *under subparagraph (A) shall be—*

11 (I) *designated as wilderness and*
12 *as a component of the National Wilder-*
13 *ness Preservation System; and*

14 (II) *incorporated into the Robledo*
15 *Mountains Wilderness designated by*
16 *subsection (a)(6).*

17 (ii) *NOTICE.*—*The notice referred to in*
18 *clause (i) is notice that—*

19 (I) *the communications site with-*
20 *in the potential wilderness area des-*
21 *ignated under subparagraph (A) is no*
22 *longer used;*

23 (II) *the associated right-of-way is*
24 *relinquished or not renewed; and*

1 (III) *the conditions in the poten-*
 2 *tial wilderness area designated by sub-*
 3 *paragraph (A) are compatible with the*
 4 *Wilderness Act (16 U.S.C. 1131 et*
 5 *seq.).*

6 (i) *RELEASE OF WILDERNESS STUDY AREAS.—Con-*
 7 *gress finds that, for purposes of section 603(c) of the Federal*
 8 *Land Policy and Management Act of 1976 (43 U.S.C.*
 9 *1782(c)), the public land in Doña Ana County adminis-*
 10 *tered by the Bureau of Land Management not designated*
 11 *as wilderness by subsection (a)—*

12 (1) *has been adequately studied for wilderness*
 13 *designation;*

14 (2) *is no longer subject to section 603(c) of the*
 15 *Federal Land Policy and Management Act of 1976*
 16 *(43 U.S.C. 1782(c)); and*

17 (3) *shall be managed in accordance with—*

18 (A) *the Federal Land Policy and Manage-*
 19 *ment Act of 1976 (43 U.S.C. 1701 et seq.);*

20 (B) *this Act; and*

21 (C) *any other applicable laws.*

22 **SEC. 4. ESTABLISHMENT OF NATIONAL CONSERVATION**
 23 **AREAS.**

24 (a) *ESTABLISHMENT.—The following areas in the*
 25 *State are established as National Conservation Areas:*

1 (1) *ORGAN MOUNTAINS NATIONAL CONSERVATION*
2 *AREA.*—*Certain land administered by the Bureau of*
3 *Land Management in Doña Ana County comprising*
4 *approximately 84,950 acres, as generally depicted on*
5 *the map entitled “Organ Mountains National Con-*
6 *servation Area” and dated June 22, 2010, which shall*
7 *be known as the “Organ Mountains National Con-*
8 *servation Area”.*

9 (2) *DESERT PEAKS NATIONAL CONSERVATION*
10 *AREA.*—*Certain land administered by the Bureau of*
11 *Land Management in Doña Ana County comprising*
12 *approximately 75,550 acres, as generally depicted on*
13 *the map entitled “Desert Peaks National Conservation*
14 *Area” and dated May 18, 2010, which shall be known*
15 *as the “Desert Peaks National Conservation Area”.*

16 (b) *PURPOSES.*—*The purposes of the Conservation*
17 *Areas are to conserve, protect, and enhance for the benefit*
18 *and enjoyment of present and future generations the cul-*
19 *tural, archaeological, natural, geological, historical, ecologi-*
20 *cal, watershed, wildlife, educational, recreational, and sce-*
21 *nic resources of the Conservation Areas.*

22 (c) *MANAGEMENT.*—

23 (1) *IN GENERAL.*—*The Secretary shall manage*
24 *the Conservation Areas—*

1 (A) *in a manner that conserves, protects,*
2 *and enhances the resources of the Conservation*
3 *Areas; and*

4 (B) *in accordance with—*

5 (i) *the Federal Land Policy and Man-*
6 *agement Act of 1976 (43 U.S.C. 1701 et*
7 *seq.);*

8 (ii) *this Act; and*

9 (iii) *any other applicable laws.*

10 (2) *USES.—*

11 (A) *IN GENERAL.—The Secretary shall*
12 *allow only such uses of the Conservation Areas*
13 *that the Secretary determines would further the*
14 *purposes described in subsection (b).*

15 (B) *USE OF MOTORIZED VEHICLES.—*

16 (i) *IN GENERAL.—Except as needed for*
17 *administrative purposes or to respond to an*
18 *emergency, the use of motorized vehicles in*
19 *the Conservation Areas shall be permitted*
20 *only on roads designated for use by motor-*
21 *ized vehicles in the management plan.*

22 (ii) *NEW ROADS.—No additional road*
23 *shall be built within the Conservation Areas*
24 *after the date of enactment of this Act un-*

1 *less the road is necessary for public safety*
2 *or natural resource protection.*

3 (C) *GRAZING.*—*The Secretary shall permit*
4 *grazing within the Conservation Areas, where es-*
5 *tablished before the date of enactment of this*
6 *Act—*

7 *(i) subject to all applicable laws (in-*
8 *cluding regulations) and Executive orders;*
9 *and*

10 *(ii) consistent with the purposes de-*
11 *scribed in subsection (b).*

12 (D) *UTILITY RIGHT-OF-WAY UPGRADES.*—
13 *Nothing in this section precludes the Secretary*
14 *from renewing or authorizing the upgrading (in-*
15 *cluding widening) of a utility right-of-way in*
16 *existence as of the date of enactment of this Act*
17 *through the Organ Mountains National Con-*
18 *servation Area—*

19 *(i) in accordance with—*

20 *(I) the National Environmental*
21 *Policy Act of 1969 (42 U.S.C. 4321 et*
22 *seq.); and*

23 *(II) any other applicable law; and*

1 (ii) *subject to such terms and condi-*
2 *tions as the Secretary determines to be ap-*
3 *propriate.*

4 (d) *MANAGEMENT PLAN.—*

5 (1) *IN GENERAL.—Not later than 3 years after*
6 *the date of enactment of this Act, the Secretary shall*
7 *develop a management plan for each of the Conserva-*
8 *tion Areas.*

9 (2) *CONSULTATION.—The management plans*
10 *shall be developed in consultation with—*

11 (A) *interested Federal agencies;*

12 (B) *State, tribal, and local governments;*

13 *and*

14 (C) *the public.*

15 (3) *CONSIDERATIONS.—In preparing and imple-*
16 *menting the management plans, the Secretary shall*
17 *consider the recommendations of Indian tribes and*
18 *pueblos on methods for providing access to, and pro-*
19 *tection for, traditional cultural and religious sites in*
20 *the Conservation Areas.*

21 (e) *INCORPORATION OF ACQUIRED LAND AND INTER-*
22 *ESTS IN LAND.—Any land or interest in land that is within*
23 *the boundary of a Conservation Area designated by sub-*
24 *section (a) that is acquired by the United States shall—*

1 (1) *become part of the Conservation Area within*
2 *the boundaries of which the land is located; and*

3 (2) *be managed in accordance with—*

4 (A) *this Act; and*

5 (B) *any other applicable laws.*

6 (f) *TRANSFER OF ADMINISTRATIVE JURISDICTION.—*

7 *On the date of enactment of this Act, administrative juris-*
8 *isdiction over the approximately 2,050 acres of land generally*
9 *depicted as “Transfer from DOD to BLM” on the map enti-*
10 *tled “Organ Mountains National Conservation Area” and*
11 *dated June 22, 2010, shall—*

12 (1) *be transferred from the Secretary of Defense*
13 *to the Secretary;*

14 (2) *become part of the Organ Mountains Na-*
15 *tional Conservation Area; and*

16 (3) *be managed in accordance with—*

17 (A) *this Act; and*

18 (B) *any other applicable laws.*

19 **SEC. 5. GENERAL PROVISIONS.**

20 (a) *MAPS AND LEGAL DESCRIPTIONS.—*

21 (1) *IN GENERAL.—As soon as practicable after*
22 *the date of enactment of this Act, the Secretary shall*
23 *file maps and legal descriptions of the Conservation*
24 *Areas and the wilderness areas designated by this Act*
25 *with—*

1 (A) *the Committee on Energy and Natural*
2 *Resources of the Senate; and*

3 (B) *the Committee on Natural Resources of*
4 *the House of Representatives.*

5 (2) *FORCE OF LAW.*—*The maps and legal de-*
6 *scriptions filed under paragraph (1) shall have the*
7 *same force and effect as if included in this Act, except*
8 *that the Secretary may correct errors in the maps*
9 *and legal descriptions.*

10 (3) *PUBLIC AVAILABILITY.*—*The maps and legal*
11 *descriptions filed under paragraph (1) shall be on file*
12 *and available for public inspection in the appropriate*
13 *offices of the Bureau of Land Management.*

14 (b) *NATIONAL LANDSCAPE CONSERVATION SYSTEM.*—
15 *The Conservation Areas and the wilderness areas designated*
16 *by this Act shall be administered as components of the Na-*
17 *tional Landscape Conservation System.*

18 (c) *FISH AND WILDLIFE.*—*Nothing in this Act affects*
19 *the jurisdiction of the State with respect to fish and wildlife*
20 *located on public land in the State, except that the Sec-*
21 *retary, after consultation with the New Mexico Department*
22 *of Game and Fish, may designate zones where, and establish*
23 *periods during which, hunting, or fishing shall not be al-*
24 *lowed for reasons of public safety, administration, the pro-*

1 *tection for nongame species and their habitats, or public*
2 *use and enjoyment.*

3 *(d) WITHDRAWALS.—*

4 *(1) IN GENERAL.—Subject to valid existing*
5 *rights, the Federal land within the Conservation*
6 *Areas, the wilderness areas designated by this Act,*
7 *and any land or interest in land that is acquired by*
8 *the United States in the Conservation Areas or wil-*
9 *derness areas after the date of enactment of this Act*
10 *is withdrawn from—*

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

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

15 *(C) operation of the mineral leasing, min-*
16 *eral materials, and geothermal leasing laws.*

17 *(2) PARCEL A.—The approximately 1,300 acres*
18 *of land generally depicted as “Parcel A” on the map*
19 *entitled “Organ Mountains National Conservation*
20 *Area” and dated June 22, 2010, is withdrawn in ac-*
21 *cordance with paragraph (1), except that the land is*
22 *not withdrawn from disposal under the Act of June*
23 *14, 1926 (commonly known as the “Recreation and*
24 *Public Purposes Act”)* (43 U.S.C. 869 *et seq.*).

1 (3) *PARCEL B.*—*The approximately 6,500 acres*
 2 *of land generally depicted as “Parcel B” on the map*
 3 *entitled “Organ Mountains National Conservation*
 4 *Area” and dated June 22, 2010, is withdrawn in ac-*
 5 *cordance with paragraph (1), except that the land is*
 6 *not withdrawn for purposes of the issuance of oil and*
 7 *gas pipeline rights-of-way.*

8 **SEC. 6. PREHISTORIC TRACKWAYS NATIONAL MONUMENT**
 9 **BOUNDARY ADJUSTMENT.**

10 *Section 2103 of the Omnibus Public Land Manage-*
 11 *ment Act of 2009 (16 U.S.C. 431 note; Public Law 111–*
 12 *11; 123 Stat. 1097) is amended by striking subsection (b)*
 13 *and inserting the following:*

14 “(b) *DESCRIPTION OF LAND.*—*The Monument shall*
 15 *consist of approximately 5,750 acres of public land in Donã*
 16 *Ana County, New Mexico, as generally depicted on the map*
 17 *entitled ‘Desert Peaks National Conservation Area’ and*
 18 *dated May 18, 2010.’”.*

19 **SEC. 7. BORDER SECURITY.**

20 (a) *IN GENERAL.*—*Nothing in this Act—*

21 (1) *prevents the Secretary of Homeland Security*
 22 *from undertaking law enforcement and border secu-*
 23 *rity activities, in accordance with section 4(c) of the*
 24 *Wilderness Act (16 U.S.C. 1133(c)), within the areas*
 25 *designated as wilderness by this Act, including the*

1 *ability to use motorized access within a wilderness*
2 *area while in pursuit of a suspect;*

3 (2) *affects the 2006 Memorandum of Under-*
4 *standing among the Department of Homeland Secu-*
5 *rity, the Department of the Interior, and the Depart-*
6 *ment of Agriculture regarding cooperative national*
7 *security and counterterrorism efforts on Federal land*
8 *along the borders of the United States; or*

9 (3) *prevents the Secretary of Homeland Security*
10 *from conducting any low-level overflights over the wil-*
11 *derness areas designated by this Act that may be nec-*
12 *essary for law enforcement and border security pur-*
13 *poses.*

14 (b) *RESTRICTED USE AREA.—*

15 (1) *WITHDRAWAL.—The area identified as “Re-*
16 *stricted Use Area” on the map entitled “Potrillo*
17 *Mountains Complex” and dated May 18, 2010 is*
18 *withdrawn in accordance with section 5(d)(1).*

19 (2) *ADMINISTRATION.—Except as provided in*
20 *paragraphs (3) and (4), the Secretary shall admin-*
21 *ister the area described in paragraph (1) in a man-*
22 *ner that, to the maximum extent practicable, protects*
23 *the wilderness character of the area.*

24 (3) *USE OF MOTOR VEHICLES.—The use of motor*
25 *vehicles, motorized equipment, and mechanical trans-*

1 port shall be prohibited in the area described in para-
2 graph (1) except as necessary for—

3 (A) the administration of the area (includ-
4 ing the conduct of law enforcement and border
5 security activities in the area); or

6 (B) grazing uses by authorized permittees.

7 (4) *EFFECT OF SUBSECTION.*—Nothing in this
8 subsection precludes the Secretary from allowing
9 within the area described in paragraph (1) the instal-
10 lation and maintenance of communication or surveil-
11 lance infrastructure necessary for law enforcement or
12 border security activities.

13 (c) *RESTRICTED ROUTE.*—The route excluded from the
14 Potrillo Mountains Wilderness identified as “Restricted–
15 Administrative Access” on the map entitled “Potrillo Moun-
16 tains Complex” and dated May 18, 2010, shall be—

17 (1) closed to public access; but

18 (2) available for administrative and law enforce-
19 ment uses, including border security activities.

20 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

21 There are authorized to be appropriated such sums as
22 are necessary to carry out this Act.

Calendar No. 596

11TH CONGRESS
2^D SESSION

S. 1689

[Report No. 111-310]

A BILL

To designate certain land as components of the National Wilderness Preservation System and the National Landscape Conservation System in the State of New Mexico, and for other purposes.

SEPTEMBER 27, 2010

Reported with an amendment