

## REFERENCES IN TEXT

Section 460l-9(a) of this title, referred to in subsec. (b), was in the original "section 7(a) of the Land and Water Conservation Fund Act of 1964 (16 U.S.C. 460l-9(a)), and was translated as reading section 7(a) of the Land and Water Conservation Fund Act of 1965, to reflect the probable intent of Congress.

**§ 460iii-5. Other laws and administrative provisions**

**(a) Other laws**

(1) Nothing in this subchapter shall be construed to supersede, limit, or otherwise affect administration and enforcement of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or to limit the applicability of the National Trails System Act [16 U.S.C. 1241 et seq.] to any lands within the conservation area.

(2) Except as otherwise specifically provided in this subchapter, nothing in this subchapter shall be construed as limiting the applicability to lands in the conservation area of laws applicable to public lands generally, including but not limited to the National Historic Preservation Act [16 U.S.C. 470 et seq.], the Archaeological Resources Protection Act of 1979 [16 U.S.C. 470aa et seq.], or the Native American Graves Protection and Repatriation Act [25 U.S.C. 3001 et seq.].

(3) Nothing in this subchapter shall be construed as by itself altering the status of any lands that on August 4, 1993, were not managed by the Bureau of Land Management.

(4) Nothing in this subchapter shall be construed as prohibiting the Secretary from engaging qualified persons to use public lands within the conservation area for the propagation of plants (including seeds) to be used for vegetative enhancement of the conservation area in accordance with the plan and in furtherance of the purposes for which the conservation area is established.

**(b) Release**

The Congress finds and directs that the public lands within the Snake River Birds of Prey Natural Area established as a natural area in October 1971 by Public Land Order 5133 have been adequately studied and found unsuitable for wilderness designation pursuant to section 1782 of title 43. Such lands are hereby released from further management pursuant to section 1782(c) of title 43 and shall be managed in accordance with other applicable provisions of law, including this subchapter.

**(c) Existing administrative withdrawal terminated**

Public Land Orders 5133 dated October 12, 1971, and 5777 dated November 21, 1980, issued by the Secretary are hereby revoked subject to subsections (d)(3) and (d)(4) of this section.

**(d) Water**

(1) The Congress finds that the United States is currently a party in an adjudication of rights to waters of the Snake River, including water rights claimed by the United States on the basis of the reservation of lands for purposes of conservation of fish and wildlife and that consequently there is no need for this subchapter to effect a reservation by the United States of rights with respect to such waters in order to

fulfill the purposes for which the conservation area is established.

(2) Nothing in this subchapter or any action taken pursuant thereto shall constitute either an expressed or implied reservation of water or water rights for any purpose.

(3) Nothing in this subchapter shall be construed as effecting a relinquishment or reduction of any of the water rights held or claimed by the United States within the State of Idaho or elsewhere on or before August 4, 1993.

(4) The Secretary and all other officers of the United States shall take all steps necessary to protect all water rights claimed by the United States in the Snake River adjudication now pending in the district court of the State of Idaho in which the United States is joined under section 666 of title 43.

(Pub. L. 103-64, § 6, Aug. 4, 1993, 107 Stat. 308.)

## REFERENCES IN TEXT

The Endangered Species Act of 1973, referred to in subsec. (a)(1), is Pub. L. 93-205, Dec. 28, 1973, 87 Stat. 884, as amended, which is classified generally to chapter 35 (§1531 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of this title and Tables.

The National Trails System Act, referred to in subsec. (a)(1), is Pub. L. 90-543, Oct. 2, 1968, 82 Stat. 919, as amended, which is classified generally to chapter 27 (§1241 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1241 of this title and Tables.

The National Historic Preservation Act, referred to in subsec. (a)(2), is Pub. L. 89-665, Oct. 15, 1966, 80 Stat. 915, as amended, which is classified generally to subchapter II (§470 et seq.) of chapter 1A of this title. For complete classification of this Act to the Code, see section 470 of this title and Tables.

The Archaeological Resources Protection Act of 1979, referred to in subsec. (a)(2), is Pub. L. 96-95, Oct. 31, 1979, 93 Stat. 721, which is classified generally to chapter 1B (§470aa et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 470aa of this title and Tables.

The Native American Graves Protection and Repatriation Act, referred to in subsec. (a)(2), is Pub. L. 101-601, Nov. 16, 1990, 104 Stat. 3048, which is classified principally to chapter 32 (§3001 et seq.) of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 3001 of Title 25 and Tables.

**§ 460iii-6. Authorization of appropriations**

There are authorized to be appropriated such sums as may be necessary to carry out this subchapter.

(Pub. L. 103-64, § 7, Aug. 4, 1993, 107 Stat. 310.)

SUBCHAPTER CXXI—JEMEZ NATIONAL RECREATIONAL AREA

**§ 460jjj. Establishment**

**(a) In general**

In order to conserve, protect, and restore the recreational, ecological, cultural, religious, and wildlife resource values of the Jemez Mountains, there is hereby established the Jemez National Recreational Area (hereinafter in this subchapter referred to as the "recreation area"), to be administered by the Secretary of Agriculture (hereinafter in this subchapter referred to as the "Secretary").

**(b) Area included**

The recreation area shall be comprised of approximately 57,000 acres of lands and interests in lands within the Santa Fe National Forest as generally depicted on the map entitled "Jemez National Recreation Area—Proposed" and dated September 1992. The map shall be on file and available for public inspection in the offices of the Chief of the Forest Service, Department of Agriculture, Washington, District of Columbia. The Secretary may from time to time, in consultation with local tribal leaders, make minor revisions in the boundary of the recreation area to promote management effectiveness and efficiency in furtherance of the purposes of this subchapter.

**(c) Map and description**

As soon as practicable after October 12, 1993, the Secretary shall file a map and legal description of the recreation area with the Committee on Natural Resources of the House of Representatives and with the Committee on Energy and Natural Resources and the Committee on Indian Affairs of the Senate. Such map and legal description shall have the same force and effect as if included in this subchapter, except that correction of clerical and typographical errors in such legal description and map may be made. Such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

**(d) No additional lands**

No lands or interests therein outside of the boundaries of the recreation area may be added to the recreation area without specific authorization by Congress.

(Pub. L. 103-104, §1, Oct. 12, 1993, 107 Stat. 1025; Pub. L. 103-437, §6(q), Nov. 2, 1994, 108 Stat. 4587.)

## AMENDMENTS

1994—Subsec. (c). Pub. L. 103-437 in first sentence struck out "Select" before "Committee on Indian Affairs".

## CHANGE OF NAME

Committee on Natural Resources of House of Representatives changed to Committee on Resources of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

**§ 460jjj-1. Administration****(a) In general**

The Secretary shall administer the recreation area in accordance with this subchapter and the laws, rules, and regulations applicable to National Forest System lands in a manner that will further the purposes of the recreation area. Management of the natural resources within the recreation area shall be permitted only to the extent that such management is compatible with and does not impair the purposes for which the recreation area is established. Recreational activities within the recreation area shall include (but not be limited to) hiking, camping, hunting, fishing, skiing, backpacking, rock climbing, and swimming.

**(b) Management plan**

The Secretary shall, no later than 5 years after October 12, 1993, develop a management

plan for the recreation area, as an amendment to the Santa Fe National Forest Land and Resource Management Plan, to reflect the establishment of the recreation area and to conform to the provisions of this subchapter. Nothing in this subchapter shall require the Secretary to revise the Santa Fe Forest Land and Resource Management Plan pursuant to section 1604 of this title. During development of the management plan for the recreation area, the Secretary shall study newly designated land within the recreation area, and adjacent national forest land.

**(c) Cultural resources**

In administering the recreation area, the Secretary shall give particular emphasis to the preservation, stabilization, and protection of cultural resources located within the recreation area in furtherance of the Archaeological Resources Protection Act of 1979 [16 U.S.C. 470aa et seq.], the National Historic Preservation Act [16 U.S.C. 470 et seq.], and the Act of August 11, 1978 [42 U.S.C. 1996] (commonly referred to as the "American Indian Religious Freedom Act").

**(d) Native Americans**

(1) In recognition of the historic use of portions of the recreation area by Indian peoples for traditional cultural and customary uses, the Secretary shall, subject to the provisions of subsection (n) of this section in consultation with local tribal leaders, ensure the protection of religious and cultural sites and provide access from time to time to those sites by Indian peoples for traditional cultural and customary uses. Such access shall be consistent with the purpose and intent of the Act of August 11, 1978 [42 U.S.C. 1996] (commonly referred to as the "American Indian Religious Freedom Act"). The Secretary, in accordance with such Act, upon request of an Indian tribe or pueblo, may from time to time temporarily close to general public use one or more specific portions of the recreational area in order to protect traditional and customary uses in such portions by Indian peoples.

(2) In preparing and implementing management plans for the recreation area, the Secretary shall request that the Governor of the Pueblo of Jemez and the chief executive officers of other appropriate Indian tribes and pueblos make recommendations on methods of—

- (A) assuring access to religious and cultural sites;
- (B) enhancing the privacy and continuity of traditional cultural and religious activities in the recreation area; and
- (C) protecting traditional cultural and religious sites in the recreation area.

**(e) Wildlife resources**

In administering the recreation area, the Secretary shall give particular emphasis to the conservation and protection of wildlife resources, including species listed as sensitive by the Forest Service, within the recreation area and shall comply with applicable Federal and State laws relating to wildlife, including the Endangered Species Act of 1973 [16 U.S.C. 1531 et seq.].

**(f) Hunting**

The Secretary shall permit hunting and fishing on lands and waters under the jurisdiction of