

**(8) Trust**

The term “Trust” means the Valles Caldera Trust established under section 698v-4 of this title.

(Pub. L. 106-248, title I, §103, July 25, 2000, 114 Stat. 599.)

## REFERENCES IN TEXT

The Multiple-Use Sustained-Yield Act of 1960, referred to in par. (5), is Pub. L. 86-517, June 12, 1960, 74 Stat. 215, as amended, which is classified generally to sections 528 to 531 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 528 of this title and Tables.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 698v, 698v-3, 698v-4, 698v-6, 698v-7, 698v-8, 698v-9, 698v-10 of this title.

**§ 698v-2. Acquisition of lands****(a) Acquisition of Baca ranch****(1) In general**

In compliance with section 471a of this title, the Secretary is authorized to acquire all or part of the rights, title, and interests in and to approximately 94,761 acres of the Baca ranch, comprising the lands, facilities, and structures referred to as the Baca Location No. 1, and generally depicted on a plat entitled “Independent Resurvey of the Baca Location No. 1”, made by L.A. Osterhoudt, W.V. Hall, and Charles W. Devendorf, U.S. Cadastral Engineers, June 30, 1920–August 24, 1921, under special instructions for Group No. 107 dated February 12, 1920, in New Mexico.

**(2) Source of funds**

The acquisition under paragraph (1) may be made by purchase through appropriated or donated funds, by exchange, by contribution, or by donation of land. Funds appropriated to the Secretary from the Land and Water Conservation Fund shall be available for this purpose.

**(3) Basis of sale**

The acquisition under paragraph (1) shall be based on an appraisal done in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions and—

(A) in the case of purchase, such purchase shall be on a willing seller basis for no more than the fair market value of the land or interests therein acquired; and

(B) in the case of exchange, such exchange shall be for lands, or interests therein, of equal value, in conformity with the existing exchange authorities of the Secretary.

**(4) Deed**

The conveyance of the offered lands to the United States under this subsection shall be by general warranty or other deed acceptable to the Secretary and in conformity with applicable title standards of the Attorney General.

**(b) Addition of land to Bandelier National Monument**

Upon acquisition of the Baca ranch under subsection (a) of this section, the Secretary of the Interior shall assume administrative jurisdiction over those lands within the boundaries of

the Bandelier National Monument as modified under section 3 of Public Law 105-376 (112 Stat. 3389).

**(c) Plat and maps****(1) Plat and maps prevail**

In case of any conflict between a plat or a map and acreages, the plat or map shall prevail.

**(2) Minor corrections**

The Secretary and the Secretary of the Interior may make minor corrections in the boundaries of the Upper Alamo watershed as depicted on the map referred to in section 3 of Public Law 105-376 (112 Stat. 3389).

**(3) Boundary modification**

Upon the conveyance of any lands to any entity other than the Secretary, the boundary of the Preserve shall be modified to exclude such lands.

**(4) Final maps**

Within 180 days of the date of acquisition of the Baca ranch under subsection (a) of this section, the Secretary and the Secretary of the Interior shall submit to the Committees of Congress a final map of the Preserve and a final map of Bandelier National Monument, respectively.

**(5) Public availability**

The plat and maps referred to in the<sup>1</sup> subsection shall be kept and made available for public inspection in the offices of the Chief, Forest Service, and Director, National Park Service, in Washington, D.C., and Supervisor, Santa Fe National Forest, and Superintendent, Bandelier National Monument, in the State of New Mexico.

**(d) Watershed management report**

The Secretary, acting through the Forest Service, in cooperation with the Secretary of the Interior, acting through the National Park Service, shall—

(1) prepare a report of management alternatives which may—

(A) provide more coordinated land management within the area known as the upper watersheds of Alamo, Capulin, Medio, and Sanchez Canyons, including the areas known as the Dome Diversity Unit and the Dome Wilderness;

(B) allow for improved management of elk and other wildlife populations ranging between the Santa Fe National Forest and the Bandelier National Monument; and

(C) include proposed boundary adjustments between the Santa Fe National Forest and the Bandelier National Monument to facilitate the objectives under subparagraphs (A) and (B); and

(2) submit the report to the Committees of Congress within 120 days of July 25, 2000.

**(e) Outstanding mineral interests**

The acquisition of the Baca ranch by the Secretary shall be subject to all outstanding valid

<sup>1</sup> So in original. Probably should be “this”.

existing mineral interests. The Secretary is authorized and directed to negotiate with the owners of any fractional interest in the subsurface estate for the acquisition of such fractional interest on a willing seller basis for not to exceed its fair market value, as determined by appraisal done in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions. 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.

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

For purposes of section 460l-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.)

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 698v, 698v-1, 698v-3, 698v-4, 698v-5, 698v-6, 698v-7, 698v-8, 698v-9, 698v-10 of this title.

**§ 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 assumption 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 consulta-