

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—113th Cong., 2d Sess.

S. 776

To establish the Columbine-Hondo Wilderness in the State of New Mexico, to provide for the conveyance of certain parcels of National Forest System land in the State, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Columbine-Hondo Wilderness Act”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

**TITLE I—ADDITION TO THE NATIONAL WILDERNESS
PRESERVATION SYSTEM**

Sec. 101. Designation of the Columbine-Hondo Wilderness.

Sec. 102. Wheeler Peak Wilderness boundary modification.

TITLE II—LAND CONVEYANCES AND SALES

Sec. 201. Town of Red River land conveyance.

Sec. 202. Village of Taos Ski Valley land conveyance.

Sec. 203. Authorization of sale of certain National Forest System land.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) RED RIVER CONVEYANCE MAP.—The term
4 “Red River Conveyance Map” means the map enti-
5 tled “Town of Red River Town Site Act Proposal”
6 and dated April 19, 2012.

7 (2) SECRETARY.—The term “Secretary” means
8 the Secretary of Agriculture.

9 (3) STATE.—The term “State” means the State
10 of New Mexico.

11 (4) TOWN.—The term “Town” means the town
12 of Red River, New Mexico.

13 (5) VILLAGE.—The term “Village” means the
14 village of Taos Ski Valley, New Mexico.

15 (6) WILDERNESS.—The term “Wilderness”
16 means the Columbine-Hondo Wilderness designated
17 by section 101(a).

18 (7) WILDERNESS MAP.—The term “Wilderness
19 Map” means the map entitled “Columbine-Hondo,
20 Wheeler Peak Wilderness” and dated April 25,
21 2012.

1 **TITLE I—ADDITION TO THE NA-**
2 **TIONAL WILDERNESS PRES-**
3 **ERVATION SYSTEM**

4 **SEC. 101. DESIGNATION OF THE COLUMBINE-HONDO WIL-**
5 **DERNESS.**

6 (a) IN GENERAL.—In accordance with the Wilderness
7 Act (16 U.S.C. 1131 et seq.), the approximately 45,000
8 acres of land in the Carson National Forest in the State,
9 as generally depicted on the Wilderness Map, is designated
10 as wilderness and as a component of the National Wilder-
11 ness Preservation System, which shall be known as the
12 “Columbine-Hondo Wilderness”.

13 (b) MANAGEMENT.—

14 (1) IN GENERAL.—Subject to valid existing
15 rights, the Wilderness shall be administered by the
16 Secretary in accordance with this Act and the Wil-
17 derness Act (16 U.S.C. 1131 et seq.), except that
18 any reference in that Act to the effective date of
19 that Act shall be considered to be a reference to the
20 date of enactment of this Act.

21 (2) ADJACENT MANAGEMENT.—

22 (A) IN GENERAL.—Congress does not in-
23 tend for the designation of the Wilderness to
24 create a protective perimeter or buffer zone
25 around the Wilderness.

1 (B) NONWILDERNESS ACTIVITIES.—The
2 fact that nonwilderness activities or uses can be
3 seen or heard from areas within the Wilderness
4 shall not preclude the conduct of the activities
5 or uses outside the boundary of the Wilderness.

6 (c) INCORPORATION OF ACQUIRED LAND AND INTER-
7 ESTS IN LAND.—Any land or interest in land that is with-
8 in the boundary of the Wilderness that is acquired by the
9 United States shall—

10 (1) become part of the Wilderness; and

11 (2) be managed in accordance with—

12 (A) the Wilderness Act (16 U.S.C. 1131 et
13 seq.);

14 (B) this section; and

15 (C) any other applicable laws.

16 (d) GRAZING.—Grazing of livestock in the Wilder-
17 ness, where established before the date of enactment of
18 this Act, shall be allowed to continue in accordance with—

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

21 (2) the guidelines set forth in the report of the
22 Committee on Interior and Insular Affairs of the
23 House of Representatives accompanying H.R. 5487
24 of the 96th Congress (H. Rept. 96–617).

1 (e) COLUMBINE-HONDO WILDERNESS STUDY
2 AREA.—

3 (1) FINDING.—Congress finds that, for pur-
4 poses of section 103(a)(2) of Public Law 96–550
5 (16 U.S.C. 1132 note; 94 Stat. 3223), any Federal
6 land in the Columbine-Hondo Wilderness Study
7 Area administered by the Forest Service that is not
8 designated as wilderness by subsection (a) has been
9 adequately reviewed for wilderness designation.

10 (2) APPLICABILITY.—The Federal land de-
11 scribed in paragraph (1) is no longer subject to sub-
12 sections (a)(2) and (b) of section 103 of Public Law
13 96–550 (16 U.S.C. 1132 note; 94 Stat. 3223).

14 (f) MAPS AND LEGAL DESCRIPTIONS.—

15 (1) IN GENERAL.—As soon as practicable after
16 the date of enactment of this Act, the Secretary
17 shall prepare maps and legal descriptions of the Wil-
18 derness.

19 (2) FORCE OF LAW.—The maps and legal de-
20 scriptions prepared under paragraph (1) shall have
21 the same force and effect as if included in this Act,
22 except that the Secretary may correct errors in the
23 maps and legal descriptions.

24 (3) PUBLIC AVAILABILITY.—The maps and
25 legal descriptions prepared under paragraph (1)

1 shall be on file and available for public inspection in
2 the appropriate offices of the Forest Service.

3 (g) FISH AND WILDLIFE.—

4 (1) IN GENERAL.—Nothing in this section af-
5 fects the jurisdiction of the State with respect to fish
6 and wildlife located on public land in the State, ex-
7 cept that the Secretary may designate areas in
8 which, and establish periods during which, for rea-
9 sons of public safety, administration, or compliance
10 with applicable laws, no hunting, fishing, or trapping
11 will be permitted in the Wilderness.

12 (2) CONSULTATION.—Except in emergencies,
13 the Secretary shall consult with the appropriate
14 State agency and notify the public before taking any
15 action under paragraph (1).

16 (h) WITHDRAWALS.—Subject to valid existing rights,
17 the Federal land described in subsections (a) and (e)(1)
18 and any land or interest in land that is acquired by the
19 United States in the Wilderness after the date of enact-
20 ment of this Act is withdrawn from—

21 (1) entry, appropriation, or disposal under the
22 public land laws;

23 (2) location, entry, and patent under the mining
24 laws; and

1 (3) operation of the mineral leasing, mineral
2 materials, and geothermal leasing laws.

3 **SEC. 102. WHEELER PEAK WILDERNESS BOUNDARY MODI-**
4 **FICATION.**

5 (a) IN GENERAL.—The boundary of the Wheeler
6 Peak Wilderness in the State is modified as generally de-
7 picted in the Wilderness Map.

8 (b) WITHDRAWAL.—Subject to valid existing rights,
9 any Federal land added to or excluded from the boundary
10 of the Wheeler Peak Wilderness under subsection (a) is
11 withdrawn from—

12 (1) entry, appropriation, or disposal under the
13 public land laws;

14 (2) location, entry, and patent under the mining
15 laws; and

16 (3) operation of the mineral leasing, mineral
17 materials, and geothermal leasing laws.

18 **TITLE II—LAND CONVEYANCES**
19 **AND SALES**

20 **SEC. 201. TOWN OF RED RIVER LAND CONVEYANCE.**

21 (a) IN GENERAL.—Subject to the provisions of this
22 section, the Secretary shall convey to the Town, without
23 consideration and by quitclaim deed, all right, title, and
24 interest of the United States in and to the one or more
25 parcels of Federal land described in subsection (b) for

1 which the Town submits a request to the Secretary by the
2 date that is not later than 1 year after the date of enact-
3 ment of this Act.

4 (b) DESCRIPTION OF LAND.—The parcels of Federal
5 land referred to in subsection (a) are the parcels of Na-
6 tional Forest System land (including any improvements to
7 the land) in Taos County, New Mexico, that are identified
8 as “Parcel 1”, “Parcel 2”, “Parcel 3”, and “Parcel 4”
9 on the Red River Conveyance Map.

10 (c) CONDITIONS.—The conveyance under subsection
11 (a) shall be subject to—

12 (1) valid existing rights;

13 (2) public rights-of-way through “Parcel 1”,
14 “Parcel 3”, and “Parcel 4”;

15 (3) an administrative right-of-way through
16 “Parcel 2” reserved to the United States; and

17 (4) such additional terms and conditions as the
18 Secretary may require.

19 (d) USE OF LAND.—As a condition of the conveyance
20 under subsection (a), the Town shall use—

21 (1) “Parcel 1” for a wastewater treatment
22 plant;

23 (2) “Parcel 2” for a cemetery;

24 (3) “Parcel 3” for a public park; and

25 (4) “Parcel 4” for a public road.

1 (e) REVERSION.—In the quitclaim deed to the Town
2 under subsection (a), the Secretary shall provide that any
3 parcel of Federal land conveyed to the Town under sub-
4 section (a) shall revert to the Secretary, at the election
5 of the Secretary, if the parcel of Federal land is used for
6 a purpose other than the purpose for which the parcel was
7 conveyed, as required under subsection (d).

8 (f) SURVEY; ADMINISTRATIVE COSTS.—

9 (1) SURVEY.—The exact acreage and legal de-
10 scription of the National Forest System land con-
11 veyed under subsection (a) shall be determined by a
12 survey approved by the Secretary.

13 (2) COSTS.—The Town shall pay the reasonable
14 survey and other administrative costs associated
15 with the conveyance.

16 **SEC. 202. VILLAGE OF TAOS SKI VALLEY LAND CONVEY-**
17 **ANCE.**

18 (a) IN GENERAL.—Subject to the provisions of this
19 section, the Secretary shall convey to the Village, without
20 consideration and by quitclaim deed, all right, title, and
21 interest of the United States in and to the parcel of Fed-
22 eral land described in subsection (b) for which the Village
23 submits a request to the Secretary by the date that is not
24 later than 1 year after the date of enactment of this Act.

1 (b) DESCRIPTION OF LAND.—The parcel of Federal
2 land referred to in subsection (a) is the parcel comprising
3 approximately 4.6 acres of National Forest System land
4 (including any improvements to the land) in Taos County
5 generally depicted as “Parcel 1” on the map entitled “Vil-
6 lage of Taos Ski Valley Town Site Act Proposal” and
7 dated April 19, 2012.

8 (c) CONDITIONS.—The conveyance under subsection
9 (a) shall be subject to—

10 (1) valid existing rights;

11 (2) an administrative right-of-way through the
12 parcel of Federal land described in subsection (b) re-
13 served to the United States; and

14 (3) such additional terms and conditions as the
15 Secretary may require.

16 (d) USE OF LAND.—As a condition of the conveyance
17 under subsection (a), the Village shall use the parcel of
18 Federal land described in subsection (b) for a wastewater
19 treatment plant.

20 (e) REVERSION.—In the quitclaim deed to the Vil-
21 lage, the Secretary shall provide that the parcel of Federal
22 land conveyed to the Village under subsection (a) shall re-
23 vert to the Secretary, at the election of the Secretary, if
24 the parcel of Federal land is used for a purpose other than

1 the purpose for which the parcel was conveyed, as de-
2 scribed in subsection (d).

3 (f) SURVEY; ADMINISTRATIVE COSTS.—

4 (1) SURVEY.—The exact acreage and legal de-
5 scription of the National Forest System land con-
6 veyed under subsection (a) shall be determined by a
7 survey approved by the Secretary.

8 (2) COSTS.—The Village shall pay the reason-
9 able survey and other administrative costs associated
10 with the conveyance.

11 **SEC. 203. AUTHORIZATION OF SALE OF CERTAIN NATIONAL**
12 **FOREST SYSTEM LAND.**

13 (a) IN GENERAL.—Subject to the provisions of this
14 section and in exchange for consideration in an amount
15 that is equal to the fair market value of the applicable
16 parcel of National Forest System land, the Secretary may
17 convey—

18 (1) to the holder of the permit numbered
19 “QUE302101” for use of the parcel, the parcel of
20 National Forest System land comprising approxi-
21 mately 0.2 acres that is generally depicted as “Par-
22 cel 5” on the Red River Conveyance Map; and

23 (2) to the owner of the private property adja-
24 cent to the parcel, the parcel of National Forest Sys-
25 tem land comprising approximately 0.1 acres that is

1 generally depicted as “Parcel 6” on the Red River
2 Conveyance Map.

3 (b) DISPOSITION OF PROCEEDS.—Any amounts re-
4 ceived by the Secretary as consideration for a conveyance
5 under subsection (a) shall be—

6 (1) deposited in the fund established under
7 Public Law 90–171 (commonly known as the “Sisk
8 Act”) (16 U.S.C. 484a); and

9 (2) available to the Secretary, without further
10 appropriation and until expended, for the acquisition
11 of land or interests in land in Region 3 of the Forest
12 Service.

13 (c) CONDITIONS.—The conveyance under subsection
14 (a) shall be subject to—

15 (1) valid existing rights; and

16 (2) such additional terms and conditions as the
17 Secretary may require.

18 (d) SURVEY; ADMINISTRATIVE COSTS.—

19 (1) SURVEY.—The exact acreage and legal de-
20 scription of the National Forest System land con-
21 veyed under subsection (a) shall be determined by a
22 survey approved by the Secretary.

23 (2) COSTS.—The reasonable survey and other
24 administrative costs associated with the conveyance

- 1 shall be paid by the holder of the permit or the
- 2 owner of the private property, as applicable.