

# Calendar No. 53

110TH CONGRESS  
1ST SESSION

# S. 275

[Report No. 110-27]

To establish the Prehistoric Trackways National Monument in the State  
of New Mexico.

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IN THE SENATE OF THE UNITED STATES

JANUARY 11, 2007

Mr. BINGAMAN (for himself and Mr. DOMENICI) introduced the following bill;  
which was read twice and referred to the Committee on Energy and Nat-  
ural Resources

FEBRUARY 16, 2007

Reported by Mr. BINGAMAN, with amendments

[Omit the part struck through and insert the part printed in italics]

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## A BILL

To establish the Prehistoric Trackways National Monument  
in the State of New Mexico.

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

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Prehistoric Trackways  
5       National Monument Establishment Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) MONUMENT.—The term “Monument”  
4 means the Prehistoric Trackways National Monu-  
5 ment established by section 4(a).

6 (2) PUBLIC LAND.—The term “public land”  
7 has the meaning given the term “public lands” in  
8 section 103 of the Federal Land Policy and Manage-  
9 ment Act of 1976 (43 U.S.C. 1702).

10 (3) SECRETARY.—The term “Secretary” means  
11 the Secretary of the Interior.

12 **SEC. 3. FINDINGS.**

13 Congress finds that—

14 (1) in 1987, a major deposit of Paleozoic Era  
15 fossilized footprint megatrackways was discovered in  
16 the Robledo Mountains in southern New Mexico;

17 (2) the trackways contain footprints of numer-  
18 ous amphibians, reptiles, and insects (including pre-  
19 viously unknown species), plants, and petrified wood  
20 dating back approximately 280,000,000 years, which  
21 collectively provide new opportunities to understand  
22 animal behaviors and environments from a time pre-  
23 dating the dinosaurs;

24 (3) title III of Public Law 101–578 (104 Stat.  
25 2860)—

1 (A) provided interim protection for the site  
2 at which the trackways were discovered; and

3 (B) directed the Secretary of the Interior  
4 to—

5 (i) prepare a study assessing the sig-  
6 nificance of the site; and

7 (ii) based on the study, provide rec-  
8 ommendations for protection of the paleon-  
9 tological resources at the site;

10 (4) the Bureau of Land Management completed  
11 the Paleozoic Trackways Scientific Study Report in  
12 1994, which characterized the site as containing  
13 “the most scientifically significant Early Permian  
14 tracksites” in the world;

15 (5) despite the conclusion of the study and the  
16 recommendations for protection, the site remains un-  
17 protected and many irreplaceable trackways speci-  
18 mens have been lost to vandalism or theft; and

19 (6) designation of the trackways site as a Na-  
20 tional Monument would protect the unique fossil re-  
21 sources for present and future generations while al-  
22 lowing for public education and continued scientific  
23 research opportunities.

1 **SEC. 4. ESTABLISHMENT.**

2 (a) IN GENERAL.—In order to conserve, protect, and  
 3 enhance the unique and nationally important paleontolog-  
 4 ical, scientific, educational, scenic, and recreational re-  
 5 sources and values of the public land described in sub-  
 6 section (b), there is established the Prehistoric Trackways  
 7 National Monument in the State of New Mexico.

8 (b) DESCRIPTION OF LAND.—The Monument shall  
 9 consist of approximately ~~5,367~~ 5,280 acres of public land  
 10 in Doña Ana County, New Mexico, as generally depicted  
 11 on the map entitled “Prehistoric Trackways National  
 12 Monument” and dated ~~June 1, 2006~~ *January 25, 2007*.

13 (c) MAP; LEGAL DESCRIPTION.—

14 (1) IN GENERAL.—As soon as practicable after  
 15 the date of enactment of this Act, the Secretary  
 16 shall prepare and submit to Congress an official map  
 17 and legal description of the Monument.

18 (2) CORRECTIONS.—The map and legal descrip-  
 19 tion submitted under paragraph (1) shall have the  
 20 same force and effect as if included in this Act, ex-  
 21 cept that the Secretary may correct any clerical or  
 22 typographical errors in the legal description and the  
 23 map.

24 (3) CONFLICT BETWEEN MAP AND LEGAL DE-  
 25 SCRPTION.—In the case of a conflict between the  
 26 map and the legal description, the map shall control.

1           (4) AVAILABILITY OF MAP AND LEGAL DE-  
2           SCRIPTION.—Copies of the map and legal description  
3           shall be on file and available for public inspection in  
4           the appropriate offices of the Bureau of Land Man-  
5           agement.

6           (d) MINOR BOUNDARY ADJUSTMENTS.—If additional  
7           paleontological resources are discovered on public land ad-  
8           jacent to the Monument after the date of enactment of  
9           this Act, the Secretary may make minor boundary adjust-  
10          ments to the Monument to include the resources in the  
11          Monument.

12       **SEC. 5. ADMINISTRATION.**

13          (a) MANAGEMENT.—

14               (1) IN GENERAL.—The Secretary shall manage  
15          the Monument—

16                       (A) in a manner that conserves, protects,  
17                       and enhances the resources and values of the  
18                       Monument, including the resources and values  
19                       described in section 4(a); and

20                       (B) in accordance with—

21                               (i) this Act;

22                               (ii) the Federal Land Policy and Man-  
23                               agement Act of 1976 (43 U.S.C. 1701 et  
24                               seq.); and

25                               (iii) other applicable laws.

1           (2) NATIONAL LANDSCAPE CONSERVATION SYS-  
2           TEM.—The Monument shall be managed as a com-  
3           ponent of the National Landscape Conservation Sys-  
4           tem.

5           ~~(3) PROTECTION OF RESOURCES AND VAL-~~  
6           ~~UES.—The Secretary shall manage public land adja-~~  
7           ~~cent to the Monument in a manner that is consistent~~  
8           ~~with the protection of the resources and values of~~  
9           ~~the Monument.~~

10          (b) MANAGEMENT PLAN.—

11           (1) IN GENERAL.—Not later than 3 years after  
12           the date of enactment of this Act, the Secretary  
13           shall develop a comprehensive management plan for  
14           the long-term protection and management of the  
15           Monument.

16           (2) COMPONENTS.—The management plan  
17           under paragraph (1)—

18           (A) shall—

19           (i) describe the appropriate uses and  
20           management of the Monument, consistent  
21           with the provisions of this Act; and

22           (ii) allow for continued scientific re-  
23           search at the Monument during the devel-  
24           opment of the management plan; and

25           (B) may—

1 (i) incorporate any appropriate deci-  
2 sions contained in any current manage-  
3 ment or activity plan for the land described  
4 in section 4(b); and

5 (ii) use information developed in stud-  
6 ies of any land within or adjacent to the  
7 Monument that were conducted before the  
8 date of enactment of this Act.

9 (c) AUTHORIZED USES.—The Secretary shall only  
10 allow uses of the Monument that the Secretary determines  
11 would further the purposes for which the Monument has  
12 been established.

13 (d) INTERPRETATION, EDUCATION, AND SCIENTIFIC  
14 RESEARCH.—

15 (1) IN GENERAL.—The Secretary shall provide  
16 for public interpretation of, and education and sci-  
17 entific research on, the paleontological resources of  
18 the Monument, with priority given to exhibiting and  
19 curating the resources in Doña Ana County, New  
20 Mexico.

21 (2) COOPERATIVE AGREEMENTS.—The Sec-  
22 retary may enter into cooperative agreements with  
23 appropriate public entities to carry out paragraph  
24 (1).

25 (e) SPECIAL MANAGEMENT AREAS.—

1           (1) IN GENERAL.—The establishment of the  
2 Monument shall not change the management status  
3 of any area within the boundary of the Monument  
4 that is—

5           (A) designated as a wilderness study area  
6 and managed in accordance with section 603(c)  
7 of the Federal Land Policy and Management  
8 Act of 1976 (43 U.S.C. 1782(c)); or

9           (B) managed as an area of critical environ-  
10 ment concern.

11          (2) CONFLICT OF LAWS.—If there is a conflict  
12 between the laws applicable to the areas described in  
13 paragraph (1) and this Act, the more restrictive pro-  
14 vision shall control.

15 (f) MOTORIZED VEHICLES.—

16          (1) IN GENERAL.—Except as needed for admin-  
17 istrative purposes or to respond to an emergency,  
18 the use of motorized vehicles in the Monument shall  
19 be allowed only on roads and trails designated for  
20 use by motorized vehicles under the management  
21 plan prepared under subsection (b).

22          (2) PERMITTED EVENTS.—The Secretary may  
23 issue permits for special recreation events involving  
24 motorized vehicles within the boundaries of the  
25 Monument, including the “Chile Challenge”—

1 (A) to the extent the events do not harm  
2 paleontological resources; and

3 (B) subject to any terms and conditions  
4 that the Secretary determines to be necessary.

5 (g) WITHDRAWALS.—Subject to valid existing rights,  
6 any Federal land within the Monument and any land or  
7 interest in land that is acquired by the United States for  
8 inclusion in the Monument after the date of enactment  
9 of this Act are withdrawn from—

10 (1) entry, appropriation, or disposal under the  
11 public land laws;

12 (2) location, entry, and patent under the mining  
13 laws; and

14 (3) operation of the mineral leasing laws, geo-  
15 thermal leasing laws, and minerals materials laws.

16 (h) GRAZING.—The Secretary may allow grazing to  
17 continue in any area of the Monument in which grazing  
18 is allowed before the date of enactment of this Act, subject  
19 to applicable laws (including regulations).

20 (i) HUNTING.—

21 ~~(1) IN GENERAL.—Nothing in this Act dimin-~~  
22 ~~ishes the jurisdiction of the State of New Mexico~~  
23 ~~with respect to fish and wildlife management, includ-~~  
24 ~~ing regulation of hunting on public land within the~~  
25 ~~Monument.~~

1           (2) REGULATIONS.—The Secretary, after con-  
2           sultation with the New Mexico Department of Game  
3           and Fish, may issue regulations designating zones in  
4           which and establishing periods during which hunting  
5           shall not be allowed for reasons of public safety, ad-  
6           ministration, or public use and enjoyment.

7           (j) WATER RIGHTS.—Nothing in this Act constitutes  
8           an express or implied reservation by the United States of  
9           any water or water rights with respect to the Monument.

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11          *an express or implied reservation by the United States of*  
12          *any water or water rights with respect to the Monument.*

13   **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

14          There are authorized to be appropriated such sums  
15          as are necessary to carry out this Act.



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