

110TH CONGRESS
1ST SESSION

H. R. 4034

To provide for a land exchange involving State land and Bureau of Land Management land in Chaves and Dona Ana Counties, New Mexico, and to establish the Lesser Prairie Chicken National Habitat Preservation Area, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 31, 2007

Mr. PEARCE introduced the following bill; which was referred to the
Committee on Natural Resources

A BILL

To provide for a land exchange involving State land and Bureau of Land Management land in Chaves and Dona Ana Counties, New Mexico, and to establish the Lesser Prairie Chicken National Habitat Preservation Area, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Lesser Prairie Chicken
5 National Habitat Preservation Area Act of 2007”.

6 **SEC. 2. FINDINGS.**

7 Congress finds as follows:

1 (1) The Sand Ranch Preservation Area is one
2 of the best strongholds of the Lesser Prairie Chicken
3 and possibly the most accessible place for the public
4 to view them.

5 (2) The Preservation Area is also inhabited by
6 the Sand Dune Lizard, which is found nowhere else
7 in the world except in the sand dune blowout-
8 shinnery oak habitat of southeast New Mexico and
9 adjacent areas of Texas.

10 (3) Both the Lesser Prairie Chicken and the
11 Sand Dune Lizard are species of concern which will
12 only benefit from additional conservation. Such con-
13 servation will be achieved through the establishment
14 of the Sand Ranch Preservation Area.

15 **SEC. 3. DEFINITIONS.**

16 In this Act:

17 (1) STATE LAND.—The term “State land”
18 means the land administered by the Secretary, act-
19 ing through the State, consisting of approximately
20 5,018 acres, as depicted on the map.

21 (2) MAP.—The term “map” means the map ti-
22 tled “Lesser Prairie Chicken National Habitat Pres-
23 ervation Area and Land Exchange” and dated Octo-
24 ber 17, 2007.

1 (3) NON-FEDERAL LAND.—The term “non-Fed-
2 eral land” means the approximately 14,048 acres of
3 State land, as depicted on the map.

4 (4) SECRETARY.—The term “Secretary” means
5 the Secretary of the Interior.

6 (5) STATE.—The term “State” means the State
7 of New Mexico.

8 (6) COUNTY.—The term “County” means the
9 County of Chaves.

10 (7) PRESERVATION AREA.—The term “Preser-
11 vation Area” means the Lesser Prairie Chicken Na-
12 tional Habitat Preservation Area.

13 **SEC. 4. LAND EXCHANGE.**

14 (a) IN GENERAL.—The Secretary shall convey to the
15 State all right, title, and interest of the United States in
16 and to the Federal land.

17 (b) CONSIDERATION.—As consideration for the con-
18 veyance of the Federal land under subsection (a), the
19 State shall convey to the United States all right, title, and
20 interest of the State in and to the non-Federal land.

21 (c) INTERESTS INCLUDED IN EXCHANGE.—Subject
22 to valid existing rights, the land exchange under this Act
23 shall include the conveyance of all surface, subsurface,
24 mineral, and water rights to the Federal land and non-
25 Federal land.

1 (d) COMPLIANCE WITH FEDERAL LAND POLICY AND
2 MANAGEMENT ACT.—The Secretary shall carry out the
3 land exchange under this Act in accordance with section
4 206 of the Federal Land Policy and Management Act of
5 1976 (43 U.S.C. 1716).

6 (e) NO AMENDMENT TO MANAGEMENT PLAN RE-
7 QUIRED.—The exchange of Federal land and non-Federal
8 land shall not require an amendment to the Mimbres Re-
9 source Management Plan.

10 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
11 retary may require such additional terms and conditions
12 for the land exchange as the Secretary considers to be ap-
13 propriate to protect the interests of the United States.

14 **SEC. 5. LESSER PRAIRIE CHICKEN NATIONAL HABITAT**
15 **PRESERVATION AREA.**

16 (a) ESTABLISHMENT; PURPOSES.—There is estab-
17 lished in the County the Lesser Prairie Chicken National
18 Habitat Preservation Area to protect, conserve, and en-
19 hance habitat for the Lesser Prairie Chicken.

20 (b) BOUNDARIES.—The Preservation Area shall con-
21 sist of approximately 39,462 acres of public land in the
22 County, including those lands acquired under section 4,
23 as generally depicted on the map.

24 (c) MAPS AND LEGAL DESCRIPTION.—

1 (1) IN GENERAL.—Not later than 30 days after
2 the date of the enactment of this Act, the Secretary
3 shall submit to Congress a map and legal description
4 of the Preservation Area.

5 (2) FORCE AND EFFECT.—The map and legal
6 description submitted under paragraph (1) shall
7 have the same force and effect as if included in this
8 Act, except that the Secretary may correct clerical
9 and typographical errors in the map and legal de-
10 scription.

11 (3) PUBLIC AVAILABILITY.—Copies of the map
12 and legal description submitted under paragraph (1)
13 shall be on file and available for public inspection
14 in—

15 (A) the Office of the Director of the Bu-
16 reau of Land Management;

17 (B) the Office of the State Director;

18 (C) the Office of the Pecos District Man-
19 ager of the Bureau of Land Management; and

20 (D) the Office of the County Clerk in
21 Roswell, New Mexico.

22 **SEC. 6. MANAGEMENT OF THE PRESERVATION AREA.**

23 (a) IN GENERAL.—The Secretary shall manage the
24 Preservation Area—

1 (1) in a manner that protects, conserves, and
2 enhances the habitat for the Lesser Prairie Chicken;
3 and (2) in accordance with—

4 (A) this Act;

5 (B) the Federal Land Policy and Manage-
6 ment Act of 1976 (43 U.S.C. 1701 et seq.); and

7 (C) any other applicable laws.

8 (b) USES.—

9 (1) IN GENERAL.—The Secretary shall allow
10 only uses of the Preservation Area that the Sec-
11 retary determines will further the purposes for which
12 the Preservation Area is established.

13 (2) USE OF MOTORIZED VEHICLES.—Except as
14 needed for administrative purposes or to respond to
15 an emergency, the use of motorized vehicles or
16 mechanized transport in the Preservation Area shall
17 be allowed only on roads and trails designated for
18 vehicular use under the management plan so long as
19 such use is in conformance with the purposes of this
20 Act.

21 (c) WITHDRAWALS.—Subject to valid existing rights
22 (including lease rights) and historic rights of access, all
23 Federal land within the Preservation Area and any land
24 and interests in land acquired for the Preservation Area

1 by the United States after the date of the enactment of
2 this Act are withdrawn from—

3 (1) all forms of entry, appropriation, or disposal
4 under the public land laws;

5 (2) location, entry, and patent under the mining
6 laws; and

7 (3) disposal under the mineral leasing, mineral
8 materials, and geothermal leasing laws.

9 (d) HUNTING AND TRAPPING.—

10 (1) IN GENERAL.—Subject to paragraph (2),
11 hunting and trapping shall be allowed in the Preser-
12 vation Area.

13 (2) LIMITATIONS.—

14 (A) REGULATIONS.—The Secretary may
15 designate by regulation areas in which, and es-
16 tablish periods during which, for reasons of
17 public safety, administration, or compliance
18 with applicable laws, no hunting or trapping
19 will be permitted in the Preservation Area.

20 (B) CONSULTATION.—Except in emer-
21 gencies, the Secretary shall consult with, and
22 obtain the approval of, the appropriate State
23 agency before promulgating regulations under
24 subparagraph (A) that close a portion of the
25 Preservation Area to hunting and trapping.

1 (e) GRAZING.—The Secretary may allow grazing sole-
2 ly for the purpose of vegetative management to enhance
3 Lesser Prairie Chicken habitat.

4 (f) NO BUFFER ZONES.—

5 (1) IN GENERAL.—There shall be no protective
6 perimeter or buffer zone around the Preservation
7 Area.

8 (2) ACTIVITIES OUTSIDE PRESERVATION
9 AREA.—The fact than an activity or use of land is
10 not permitted on land within the Preservation Area
11 shall not preclude the activity or use outside the
12 boundary of the Preservation Area or on private
13 land within the Preservation Area, consistent with
14 other applicable law.

15 (g) ACQUISITION OF LAND.—

16 (1) IN GENERAL.—The Secretary may acquire
17 non-Federal land in the Preservation Area only—

18 (A) from a willing seller; and

19 (B) through purchase, exchange, or dona-
20 tion.

21 (2) MANAGEMENT.—Land acquired under para-
22 graph (1) shall by managed as part of the Preserva-
23 tion Area in accordance with this Act.

24 (h) INTERPRETATIVE SITES.—The Secretary may es-
25 tablish sites in the Preservation Area to permit the inter-

1 pretation of the historical, cultural, scientific, archae-
2 ological, natural, and education resources of the Preserva-
3 tion Area.

4 (i) WATER RIGHTS.—Nothing in this Act constitutes
5 an express or implied reservation of any water right.

6 **SEC. 7. MANAGEMENT PLAN.**

7 (a) IN GENERAL.—Not later than 1 year after the
8 date of the enactment of this Act, the Secretary shall de-
9 velop a comprehensive plan for the long-range protection
10 and management of the Preservation Area.

11 (b) CONTENTS.—The management plan shall—

12 (1) describe the appropriate uses and manage-
13 ment of the Preservation Area in accordance with—

14 (A) this Act;

15 (B) the Federal Land Policy and Manage-
16 ment Act of 1976 (43 U.S.C. 1701 et seq.); and

17 (C) other applicable laws;

18 (2) incorporate, as appropriate, decisions in any
19 other management or activity plan for the land with-
20 in or adjacent to the Preservation Area; and

21 (3) take into consideration—

22 (A) any information developed in studies of
23 the land within or adjacent to the Preservation
24 Area; and

1 (B) the historical involvement of the local
2 community in the interpretation and protection
3 of the resources of the Preservation Area.

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