

110TH CONGRESS
2D SESSION

H. R. 6300

To establish special preservation areas and rangeland preservation areas in Doña Ana County, New Mexico, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 18, 2008

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

A BILL

To establish special preservation areas and rangeland preservation areas in Doña Ana County, New Mexico, 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 (a) SHORT TITLE.—This Act may be cited as the
5 “Doña Ana County Planned Growth, Open Space, and
6 Rangeland Preservation Act of 2008”.

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

Sec. 1. Short title.

Sec. 2. Definitions.

TITLE I—SPECIAL PRESERVATION AREAS

- Sec. 101. Establishment of special preservation areas.
 Sec. 102. Management of special preservation areas.

TITLE II—RANGELAND PRESERVATION AREAS

- Sec. 201. Establishment of rangeland preservation areas.
 Sec. 202. Management of rangeland preservation areas.
 Sec. 203. Management plan.
 Sec. 204. Release of wilderness study areas.

TITLE III—LAND EXCHANGES

- Sec. 301. Purpose.
 Sec. 302. New Mexico State University land exchange.

TITLE IV—DISPOSAL OF FEDERAL LAND FOR COMMUNITY GROWTH

- Sec. 401. Disposal.
 Sec. 402. Disposition of proceeds.
 Sec. 403. Advisory board.

1 **SEC. 2. DEFINITIONS.**

2 For purposes of this Act:

3 (1) BOARD.—The term “Board” means the
 4 Doña Ana County Land Disposal Advisory Board
 5 established under section 403.

6 (2) CENTER.—The term “Center” means the
 7 Chihuahuan Desert Rangeland Research Center of
 8 New Mexico State University.

9 (3) CITY.—The term “City” means the city of
 10 Las Cruces, New Mexico.

11 (4) COUNTY.—The term “County” means Doña
 12 Ana County, New Mexico.

13 (5) FEDERAL ESTATE.—The term “Federal es-
 14 tate” means the reserved Federal mineral estate un-
 15 derlying approximately 56,000 acres of land within

1 the Center that is identified on the map as “Trans-
2 fer Mineral Ownership to NMSU”.

3 (6) MANAGEMENT PLAN.—The term “manage-
4 ment plan” means the plan developed under section
5 203(a).

6 (7) MAP.—The term “map” means the map ti-
7 tled “Doña Ana County Planned Growth, Open
8 Space and Rangeland Preservation Proposal” and
9 dated April 4, 2008.

10 (8) RANGELAND PRESERVATION AREA.—The
11 term “rangeland preservation area” means the
12 rangeland preservation areas established by section
13 201(a).

14 (9) SECRETARY.—The term “Secretary” means
15 the Secretary of the Interior, acting through the Di-
16 rector of the Bureau of Land Management.

17 (10) SPECIAL ACCOUNT.—The term “special ac-
18 count” means the special account established under
19 section 402.

20 (11) SPECIAL PRESERVATION AREAS.—The
21 term “special preservation areas” means the special
22 preservation areas designated under section 101(a).

23 (12) STATE DIRECTOR.—The term “State Di-
24 rector” means the New Mexico State Director of the
25 Bureau of Land Management.

1 (13) STATE.—The term “State” means the
2 State of New Mexico.

3 (14) UNIVERSITY.—The term “University”
4 means New Mexico State University.

5 (15) UNIVERSITY LAND.—The term “University
6 land” means the approximately 7,800 acres of land
7 of the University that is identified on the map as
8 “Transfer Surface Ownership to BLM”.

9 **TITLE I—SPECIAL**
10 **PRESERVATION AREAS**

11 **SEC. 101. ESTABLISHMENT OF SPECIAL PRESERVATION**
12 **AREAS.**

13 (a) IN GENERAL.—The following parcels of land in
14 the County are designated as special preservation areas:

15 (1) DOÑA ANA MOUNTAINS SPECIAL PRESERVA-
16 TION AREA.—Certain Federal land managed by the
17 Bureau of Land Management, comprising approxi-
18 mately 15,989 acres as generally depicted on the
19 map, which shall be known as the Doña Ana Moun-
20 tains Special Preservation Area.

21 (2) PICACHO PEAK SPECIAL PRESERVATION
22 AREA.—Certain Federal land managed by the Bu-
23 reau of Land Management, comprising approxi-
24 mately 1,885 acres as generally depicted on the

1 map, which shall be known as the Picacho Peak Spe-
2 cial Preservation Area.

3 (b) MAP AND LEGAL DESCRIPTIONS.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of enactment of this Act, the Sec-
6 retary shall submit to Congress a map and legal de-
7 scriptions of the special preservation areas.

8 (2) FORCE AND EFFECT.—The map and legal
9 descriptions submitted under paragraph (1) shall
10 have the same force and effect as if included in this
11 title, except that the Secretary may correct clerical
12 and typographical errors in the map and legal de-
13 scriptions.

14 (3) PUBLIC AVAILABILITY.—Copies of the map
15 and legal descriptions submitted under paragraph
16 (1) shall be on file and available for public inspec-
17 tion in—

18 (A) the Office of the Director of the Bu-
19 reau of Land Management;

20 (B) the Office of the State director;

21 (C) the Office of the Las Cruces District
22 Manager of the Bureau of Land Management;
23 and

24 (D) the Office of the County Clerk of
25 Doña Ana County, New Mexico.

1 (c) WITHDRAWALS.—Subject to valid existing rights
2 (including lease rights), all Federal land within the special
3 preservation areas and any land and interests in land ac-
4 quired for the special preservation areas by the United
5 States after the date of enactment of this Act are with-
6 drawn from—

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

9 (2) location, entry, and patent under the mining
10 laws; and

11 (3) operation of the mineral leasing, mineral
12 materials, and geothermal leasing laws.

13 **SEC. 102. MANAGEMENT OF SPECIAL PRESERVATION**
14 **AREAS.**

15 (a) IN GENERAL.—The Secretary shall manage the
16 special preservation areas—

17 (1) in a manner that—

18 (A) conserves, protects, and improves the
19 resources, including grazing land and wildlife
20 habitat, of the special preservation areas;

21 (B) maintains and preserves the open
22 spaces of Federal lands within the special pres-
23 ervation areas; and

24 (2) in accordance with—

25 (A) this title;

1 (B) the Federal Land Policy and Manage-
2 ment Act of 1976 (43 U.S.C. 170 et seq.); and

3 (C) any other applicable laws.

4 (b) NO BUFFER ZONES.—

5 (1) IN GENERAL.—There shall be no buffer
6 zone around any of the special preservation areas.

7 (2) ACTIVITIES OUTSIDE THE SPECIAL PRESER-
8 VATION AREAS.—The fact that an activity or use of
9 land is not permitted on land within a special pres-
10 ervation area shall not preclude the activity or use
11 outside the boundary of the special preservation area
12 or on private or State land within the special preser-
13 vation area, consistent with other applicable laws.

14 (c) ACQUISITION OF LAND.—

15 (1) IN GENERAL.—The Secretary may acquire
16 non-Federal land in a special preservation area
17 only—

18 (A) from a State, a local government, or a
19 non-profit organization; and

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

22 (2) MANAGEMENT.—Land acquired under para-
23 graph (1) shall be managed as part of a special pres-
24 ervation area in accordance with this title.

1 **TITLE II—RANGELAND**
2 **PRESERVATION AREAS**

3 **SEC. 201. ESTABLISHMENT OF RANGELAND PRESERVATION**
4 **AREAS.**

5 (a) IN GENERAL.—The following parcels of land in
6 the County are designated as rangeland preservation
7 areas:

8 (1) ORGAN MOUNTAINS RANGELAND PRESERVA-
9 TION AREA.—Certain Federal land managed by the
10 Bureau of Land Management, comprising approxi-
11 mately 77,059 acres as generally depicted on the
12 map, which shall be known as the Organ Mountains
13 Rangeland Preservation Area.

14 (2) LAS UVAS MOUNTAINS WATERSHED AND
15 RANGELAND PRESERVATION AREA.—Certain Federal
16 lands managed by the Bureau of Land Management,
17 comprising approximately 11,067 acres as generally
18 depicted on the map, which shall be known as the
19 Las Uvas Mountains Watershed and Rangeland
20 Preservation Area.

21 (3) ROBLEDO MOUNTAINS WATERSHED AND
22 RANGELAND PRESERVATION AREA.—Certain Federal
23 lands managed by the Bureau of Land Management,
24 comprising approximately 12,946 acres as generally
25 depicted on the map, which shall be known as the

1 Robledo Mountains Watershed and Rangeland Pres-
2 ervation Area.

3 (4) POTRILLO NATIONAL SECURITY AND
4 RANGELAND PRESERVATION AREA.—Certain Federal
5 lands managed by the Bureau of Land Management,
6 comprising approximately 182,472 acres as generally
7 depicted on the map, which shall be known as the
8 Potrillo National Security and Rangeland Preserva-
9 tion Area.

10 (b) MAP AND LEGAL DESCRIPTIONS.—

11 (1) IN GENERAL.—Not later than 180 days
12 after the date of enactment of this Act, the Sec-
13 retary shall submit to Congress a map and legal de-
14 scriptions of the rangeland preservation areas.

15 (2) FORCE AND EFFECT.—The map and legal
16 descriptions submitted under paragraph (1) shall
17 have the same force and effect as if included in this
18 title, except that the Secretary may correct clerical
19 and typographical errors in the map and legal de-
20 scriptions.

21 (3) PUBLIC AVAILABILITY.—Copies of the map
22 and legal descriptions submitted under paragraph
23 (1) shall be on file and available for public inspec-
24 tion in—

1 (A) the Office of the Director of the Bu-
2 reau of Land Management;

3 (B) the Office of the State Director; and

4 (C) the Office of the Las Cruces District
5 Manager of the Bureau of Land Management.

6 (c) WITHDRAWALS.—Subject to valid existing rights
7 (including lease rights), all Federal land within a range-
8 land preservation area and any land and interests in land
9 acquired for a rangeland preservation area by the United
10 States after the date of enactment of this Act are with-
11 drawn from—

12 (1) all forms of entry, appropriation, or disposal
13 under the 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 **SEC. 202. MANAGEMENT OF RANGELAND PRESERVATION**

19 **AREAS.**

20 (a) IN GENERAL.—The Secretary shall manage the
21 rangeland preservation areas—

22 (1) in a manner that serves the purposes of—

23 (A) conserving, protecting, and seeking to
24 improve the livestock grazing, recreation, wild-
25 life management, and scenic values under mul-

1 tiple-use, as defined in the Federal Land Policy
2 and Management Act of 1976 (43 U.S.C. 1701
3 et seq.);

4 (B) conserving and protecting the open
5 spaces of Federal lands within the rangeland
6 preservation areas; and

7 (C) conserving and protecting any other
8 unique resources within the rangeland preserva-
9 tion areas; and

10 (2) in accordance with—

11 (A) this title;

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

14 (C) other applicable laws.

15 (b) USES.—

16 (1) IN GENERAL.—The Secretary shall not
17 allow a use of a rangeland preservation area unless
18 the Secretary determines that use will further the
19 purposes for which the rangeland preservation areas
20 are established, as described in subsection (a)(1).

21 (2) USE OF MOTORIZED VEHICLES.—The Sec-
22 retary shall not allow the use of motorized vehicles
23 in the rangeland preservation areas, except the Sec-
24 retary shall allow the use of such vehicles—

1 (A) on roads and trails designated for ve-
2 hicular use under the management plan; and

3 (B) as determined by the Secretary to be
4 necessary for—

5 (i) administrative purposes;

6 (ii) homeland security or law enforce-
7 ment;

8 (iii) construction, maintenance, oper-
9 ation, or management of flood control or
10 water conservation systems by any Fed-
11 eral, State, or local governmental entity;

12 (iv) construction, maintenance, or op-
13 eration of rangeland improvements author-
14 ized by the Secretary; or

15 (v) emergency response.

16 (c) HUNTING AND TRAPPING.—

17 (1) IN GENERAL.—Subject to paragraph (2),
18 the Secretary shall allow hunting and trapping in
19 the rangeland preservation areas.

20 (2) LIMITATIONS.—

21 (A) REGULATIONS.—The Secretary may
22 designate by regulation areas in a rangeland
23 preservation area in which, and establish peri-
24 ods during which, for reasons of public safety,

1 administration, or compliance with applicable
2 laws, no hunting or trapping will be allowed.

3 (B) CONSULTATION.—Except in emer-
4 gencies, the Secretary shall consult with the ap-
5 propriate State agency before promulgating reg-
6 ulations under subparagraph (A) that close a
7 portion of a rangeland preservation area to
8 hunting or trapping.

9 (d) GRAZING.—The Secretary shall issue any grazing
10 leases or permits in the rangeland preservation areas in
11 accordance with the same laws and executive orders that
12 apply to issuance by the Secretary of grazing leases and
13 permits on other land under the jurisdiction of the Bureau
14 of Land Management.

15 (e) NO BUFFER ZONES.—

16 (1) IN GENERAL.—There shall be no buffer
17 zone around a rangeland preservation area.

18 (2) ACTIVITIES OUTSIDE THE RANGELAND
19 PRESERVATION AREAS.—The fact that an activity or
20 use of land is not permitted on land within a range-
21 land preservation area shall not preclude the activity
22 or use outside the boundary of the rangeland preser-
23 vation area or on private or State land within the
24 rangeland preservation area, consistent with other
25 applicable laws.

1 (f) ACQUISITION OF LAND.—

2 (1) IN GENERAL.—The Secretary may acquire
3 non-Federal land in a rangeland preservation area
4 only—

5 (A) from a State, a local government, or a
6 non-profit organization; and

7 (B) through purchase, exchange, or dona-
8 tion.

9 (2) MANAGEMENT.—Land acquired under para-
10 graph (1) shall be managed as part of a rangeland
11 preservation area in accordance with this title.

12 (g) INTERPRETIVE SITES.—The Secretary may es-
13 tablish sites in a rangeland preservation area to allow the
14 interpretation of the historical, cultural, scientific, archae-
15 ological, natural, and educational resources of the range-
16 land preservation area.

17 (h) WATER RIGHTS.—Nothing in this title—

18 (1) shall constitute or be construed to con-
19 stitute either an express or implied reservation by
20 the United States of any water or water rights with
21 respect to the lands within a rangeland preservation
22 area; or

23 (2) shall affect any water rights existing on the
24 date of enactment of this Act, including any water
25 right held by the United States.

1 (i) **RULE OF CONSTRUCTION.**—This title shall not be
2 construed to prevent—

3 (1) the construction, maintenance, operation, or
4 management of flood control or water conservation
5 systems by any Federal, State, or local governmental
6 entity;

7 (2) the construction, maintenance, or operation
8 of rangeland improvements; or

9 (3) the exercise of homeland security and law
10 enforcement activities.

11 **SEC. 203. MANAGEMENT PLAN.**

12 (a) **IN GENERAL.**—Not later than 4 years after the
13 date of enactment of this Act, the Secretary shall develop
14 a comprehensive plan for the long-range protection and
15 management of the rangeland preservation areas.

16 (b) **CONTENTS.**—The management plan shall de-
17 scribe the appropriate uses and management of the range-
18 land preservation areas in accordance with—

19 (1) this title;

20 (2) the Federal Land Policy and Management
21 Act of 1976 (43 U.S.C. 1701 et seq.); and

22 (3) other applicable laws.

23 **SEC. 204. RELEASE OF WILDERNESS STUDY AREAS.**

24 (a) **FINDING.**—Congress finds that, for purposes of
25 section 603 of the Federal Land Policy and Management

1 Act of 1976 (43 U.S.C. 1782), the Federal land in the
2 following areas has been adequately studied for wilderness
3 designation:

4 (1) The Aden Lava Flow Wilderness Study
5 Area.

6 (2) The Las Uvas Mountains Wilderness Study
7 Area.

8 (3) The Organ Mountains Wilderness Study
9 Area.

10 (4) The Robledo Mountains Wilderness Study
11 Area.

12 (5) The West Potrillo Mountains Wilderness
13 Study Area.

14 (6) The Mount Riley Wilderness Study Area.

15 (7) The Pena Blanca Wilderness Study Area.

16 (8) The Organ Needles Wilderness Study Area.

17 (b) RELEASE.—Any Federal land described in sub-
18 section (a)—

19 (1) shall no longer be subject to section 603(c)
20 of the Federal Land Policy and Management Act of
21 1976 (43 U.S.C. 1782(c)); and

22 (2) shall be managed in accordance with section
23 202 of this title and the management plan developed
24 under section 203 of this title.

1 **TITLE III—LAND EXCHANGES**

2 **SEC. 301. PURPOSE.**

3 The purpose of this title is to—

4 (1) support efforts of the University to manage
5 the land of the University consistent with the des-
6 ignation of the University as the land-grant college
7 for the State under the Act of July 2, 1862 (7
8 U.S.C. 301 et seq.; commonly known as the First
9 Morrill Act);

10 (2) allow the University to control development
11 of University land at the Center by consolidating
12 surface and subsurface ownership; and

13 (3) authorize the acquisition of non-Federal
14 land to—

15 (A) consolidate holdings of the Bureau of
16 Land Management; and

17 (B) improve the management by the Bu-
18 reau of Land Management of recreation and
19 other resources in the area of the Center.

20 **SEC. 302. NEW MEXICO STATE UNIVERSITY LAND EX-** 21 **CHANGE.**

22 (a) **AUTHORIZATION FOR EXCHANGE.**—If the Uni-
23 versity conveys to the United States by quitclaim deed ac-
24 ceptable to the Secretary, all right, title, and interest of
25 the University in and to the University land, the Secretary

1 shall, not later than 90 days after the date on which the
2 Secretary accepts title to the University land, convey to
3 the University all right, title, and interest of the United
4 States in and to the Federal estate.

5 (b) APPROXIMATE EQUAL VALUE.—Notwithstanding
6 any other law—

7 (1) the value of the Federal estate and the
8 value of the University land conveyed under this sec-
9 tion shall be considered to be of equal value; and

10 (2) appraisals of the Federal estate and the
11 University land are not required.

12 (c) LEGAL DESCRIPTIONS.—

13 (1) IN GENERAL.—As soon as practicable after
14 the date of enactment of this Act, the Secretary
15 shall submit to the Committee on Natural Resources
16 of the House of Representatives and the Committee
17 on Energy and Natural Resources of the Senate a
18 map and legal descriptions of the University land
19 and the Federal estate.

20 (2) EFFECT.—The map and the legal descrip-
21 tions submitted under paragraph (1) shall have the
22 same force and effect as if included in this title, ex-
23 cept that the Secretary may correct any clerical and
24 typographical errors in the legal descriptions and
25 map.

1 (3) PUBLIC AVAILABILITY.—Copies of the map
2 and the legal descriptions submitted under para-
3 graph (1) shall be on file and available for public in-
4 spection in the Office of the State Director.

5 (d) HAZARDOUS SUBSTANCES.—

6 (1) IN GENERAL.—Before any conveyances
7 under this section, the University shall prepare, at
8 the expense of the University, any environmental site
9 assessment for the University land that the Sec-
10 retary determines to be necessary.

11 (2) OPTIONS OF SECRETARY.—If hazardous
12 substances are found on the University land in an
13 assessment prepared under paragraph (1), the Sec-
14 retary may—

15 (A)(i) conduct further investigations of the
16 affected land; and

17 (ii) as the Secretary determines to be nec-
18 essary, require the University to conduct reme-
19 diation;

20 (B) refuse—

21 (i) to accept conveyance of the af-
22 fected land under subsection (a); and

23 (ii) to convey land related to the af-
24 fected land under subsection (a); or

1 (C) terminate the conveyance of land
2 under subsection (a).

3 (e) EFFECT ON VALID EXISTING RIGHTS.—Nothing
4 in this title affects any valid existing rights in existence
5 on the date of enactment of this Act with respect to any
6 interest in the University land or the Federal estate.

7 **TITLE IV—DISPOSAL OF FED-**
8 **ERAL LAND FOR COMMUNITY**
9 **GROWTH**

10 **SEC. 401. DISPOSAL.**

11 (a) IN GENERAL.—The Secretary, in consultation
12 with the City and the County, shall conduct a sale of Fed-
13 eral land described in subsection (b) to qualified bidders.

14 (b) DESCRIPTION OF LAND.—The land referred to in
15 subsection (a) consists of the Federal land in the County
16 that is—

17 (1) identified for disposal through the resource
18 management planning process of the Bureau of
19 Land Management as of the date of enactment of
20 this Act; and

21 (2) not segregated or withdrawn from the lands
22 so identified by Congress or by the Secretary on or
23 after the date of enactment of this Act.

24 (c) SALES.—Except as provided in subsection (g), the
25 land referred to in subsection (a) shall be sold at a price

1 and in acreage as recommended by the Board. Such sales
2 shall be—

3 (1) in accordance with Federal Land Policy and
4 Management Act of 1976 (43 U.S.C. 1701 et seq.),
5 this title, and other applicable laws; and

6 (2) subject to valid existing rights.

7 (d) AVAILABILITY OF MAP.—The map produced by
8 the Bureau of Land Management as a result of the re-
9 source management planning process described in sub-
10 section (b) shall be on file and available for public inspec-
11 tion in—

12 (1) the Office of the Director of the Bureau of
13 Land Management;

14 (2) the Office of the State Director; and

15 (3) the Office of the Las Cruces District Man-
16 ager of the Bureau of Land Management.

17 (e) COMPLIANCE WITH LOCAL PLANNING AND ZON-
18 ING LAWS.—Before a sale of land is conducted under sub-
19 section (a), the City or County shall submit to the Sec-
20 retary a certification that all qualified bidders have agreed
21 to comply with—

22 (1) city and county zoning ordinances; and

23 (2) any master plan for the area approved by
24 the City or County.

25 (f) WITHDRAWAL.—

1 (1) IN GENERAL.—Subject to valid existing
2 rights and except as provided in paragraph (2), the
3 land described in subsection (b) is withdrawn
4 from—

5 (A) all forms of entry and appropriation
6 under the public land laws, including the min-
7 ing laws;

8 (B) location, entry, and patent under the
9 mining laws; and

10 (C) operation of the mineral leasing and
11 geothermal leasing laws.

12 (2) EXCEPTION.—Paragraph (1)(A) shall not
13 apply to a competitive sale, or an election by the
14 City or County, to obtain the land described in sub-
15 section (b) for public purposes under the Act of
16 June 14, 1926 (43 U.S.C. 869 et seq.; commonly
17 known as the Recreation and Public Purposes Act).

18 (g) OPPORTUNITY HOUSING.—

19 (1) IN GENERAL.—The Secretary may convey
20 to a local government entity, including a local public
21 housing authority, land in the County that is

22 (A) identified for disposal under subsection
23 (b); and

24 (B) recommended by the Board as appro-
25 priate for affordable housing.

1 (2) TERMS OF CONVEYANCE.—Any conveyance
2 of land under paragraph (1) shall be—

3 (A) on a noncompetitive basis;

4 (B) at fair market value; and

5 (C) for the purpose of providing affordable
6 housing communities.

7 (h) REPORT.—Not later than 3 years after the date
8 of enactment of this Act and annually thereafter, the Sec-
9 retary shall submit to the Committee on Natural Re-
10 sources of the House of Representatives and the Com-
11 mittee on Energy and Natural Resources of the Senate
12 a report that describes the status of any conveyances
13 under this title.

14 **SEC. 402. DISPOSITION OF PROCEEDS.**

15 (a) IN GENERAL.—Except for proceeds from land
16 sales made to the County under section 401(g) and subject
17 to appropriations, amounts received by the United States
18 as proceeds of sales under section 401(b) shall be used
19 by the Secretary as follows:

20 (1) 10 percent of the amount shall be paid to
21 the County for use for—

22 (A) county planning;

23 (B) fire protection;

24 (C) law enforcement;

25 (D) public safety;

1 (E) transportation; and

2 (F) the development of parks, trails, nat-
3 ural areas, and other open space.

4 (2) 10 percent of the amount shall be paid to
5 the County to be allocated to local communities
6 within the County for use for—

7 (A) planning;

8 (B) fire protection;

9 (C) law enforcement;

10 (D) public safety;

11 (E) transportation;

12 (F) the development of parks, trails, nat-
13 ural areas; and

14 (G) pursuant to a cooperative agreement
15 among units of local government, funding of a
16 Doña Ana County Open Space Authority.

17 (3) The remainder shall be deposited in a spe-
18 cial account in the Treasury of the United States
19 and shall be available to the Secretary without fur-
20 ther appropriation until expended for—

21 (A) acquisition of environmentally sensitive
22 land adjacent to the Federal land in the State,
23 subject to the limitation in subsection (b)(4);

1 (B) development of parks, trails, and nat-
2 ural areas in the County pursuant to a coopera-
3 tive agreement with a unit of local government;

4 (C) rangeland improvements in the range-
5 land preservation areas and any other area in
6 the County administered by the Bureau of
7 Land Management;

8 (D) preservation and restoration of impor-
9 tant habitat on public land in the County;

10 (E) the reimbursement of costs incurred by
11 the Office of the State Director and the Las
12 Cruces Office of the Bureau of Land Manage-
13 ment in administering a sale of land described
14 in section 401(b), including the costs of—

15 (i) conducting surveys;

16 (ii) conducting appraisals; and

17 (iii) complying with—

18 (I) the National Environment
19 Policy Act of 1969 (42 U.S.C. 4321
20 et seq.);

21 (II) sections 201 and 202 of the
22 Federal Land Policy and Management
23 Act of 1976 (43 U.S.C. 1711, 1712);
24 and

1 (III) any other appropriate Fed-
2 eral laws.

3 (b) SPECIAL ACCOUNT.—

4 (1) PROCEDURES.—The Secretary shall coordi-
5 nate the use of the special account established under
6 subsection (a)(3) with the County, local govern-
7 ments, and other interested persons to ensure ac-
8 countability and demonstrated results.

9 (2) FEDERAL LAND TRANSACTION FACILITA-
10 TION ACT ACCOUNT.—Subject to appropriations, any
11 proceeds from the sale of Federal land in the County
12 that, as of the date of enactment of this Act, are in
13 the Federal Land Transaction Facilitation Act ac-
14 count shall be transferred to the special account.

15 (3) INVESTMENT OF SPECIAL ACCOUNT.—Any
16 amounts deposited in the special account—

17 (A) shall earn interest in an amount deter-
18 mined by the Secretary of the Treasury on the
19 basis of the current average market yield on
20 outstanding marketable obligations of the
21 United States of comparable maturities; and

22 (B) may be expended in accordance with
23 this title.

24 (4) LIMITATION.—The Secretary shall use not
25 more than 25 percent of the amounts made available

1 from the special account during any 5-year period
2 for any acquisition of land under subsection
3 (a)(3)(A).

4 **SEC. 403. ADVISORY BOARD.**

5 (a) ESTABLISHMENT.—There is established an advi-
6 sory board, to be known as the Doña Ana County Land
7 Disposal Advisory Board, to advise the Secretary with re-
8 spect to the disposal of the land described in section
9 401(b).

10 (b) MEMBERSHIP.—

11 (1) COMPOSITION.—The Board shall be com-
12 posed of 7 members, of whom—

13 (A) 1 member shall be the Las Cruces Dis-
14 trict Manager for the Bureau of Land Manage-
15 ment

16 (B) 6 members, to be appointed by the
17 Secretary, of whom—

18 (i) 1 member shall be a representative
19 of the County, based on the recommenda-
20 tion of the governing body of the County;

21 (ii) 1 member shall be a representa-
22 tive of the City, based on the recommenda-
23 tion of the governing body of the City;

1 (iii) 1 member shall be a representa-
2 tive of the business community within the
3 County;

4 (iv) 1 member shall be a representa-
5 tive of the ranching community who shall
6 be the holder of an active grazing allot-
7 ment within the County;

8 (v) 1 member shall be a member of
9 the conservation community within the
10 County; and

11 (vi) 1 member shall be a representa-
12 tive of the Elephant Butte Irrigation Dis-
13 trict, based on the recommendation of the
14 governing body of the Elephant Butte Irri-
15 gation District.

16 (2) TERM.—A member of the Board shall be
17 appointed for a term of 3 years.

18 (3) VACANCIES.—

19 (A) IN GENERAL.—If there is a vacancy on
20 the Board, the Secretary shall appoint an indi-
21 vidual to fill the vacancy.

22 (B) TERM.—A member appointed to fill a
23 vacancy under subparagraph (A) shall serve for
24 the remainder of the term of the member being
25 replaced.

1 (c) DUTIES.—

2 (1) IN GENERAL.—The Board shall—

3 (A) assist the Secretary in annually
4 prioritizing the Bureau of Land Management
5 land that is available for disposal under this
6 title, as identified in the land use planning
7 process; and

8 (B) make recommendations to the State
9 Director with respect to the disposal of land
10 under this title.

11 (2) PUBLIC COMMENT.—The State Director
12 shall establish procedures to provide Federal, State,
13 and local governments and the public with adequate
14 notice of, and an opportunity to comment on, the
15 priorities for the disposal of public land, as deter-
16 mined under subparagraph (A), including through
17 the conduct of public hearings as the State Director
18 determines to be appropriate.

19 (d) MEETINGS.—

20 (1) ANNUAL MEETINGS.—The Board shall meet
21 at least once a year at the call of the State Director.

22 (2) QUORUM AND APPROVAL REQUIREMENTS.—

23 (A) IN GENERAL.—A quorum of Board
24 members, as defined in the charter under sub-

1 section (f), must be present to constitute an of-
2 ficial meeting of the Board.

3 (B) RECOMMENDATIONS.—Formal rec-
4 ommendations of the Board shall require the
5 approval of the majority of Board members.

6 (C) ADOPTION OF CHARTER.—Adoption of
7 the charter shall require the approval of two-
8 thirds of the Board members.

9 (e) TRAVEL AND PER DIEM PAYMENTS.—A member
10 of the Board shall serve without pay, except that a mem-
11 ber shall be reimbursed for any travel expenses, including
12 per diem in lieu of subsistence, that are incurred while
13 attending a meeting called under subsection (d)(1).

14 (f) CHARTER.—The Board shall establish a charter
15 for the Board that includes rules for—

16 (1) defining a quorum;

17 (2) electing a chairperson; and

18 (3) establishing procedures for sending rec-
19 ommendations to the Secretary.

20 (g) CONFLICT OF INTEREST.—A member of the
21 Board—

22 (1) shall, at the time the member joins the
23 Board or at the time the interest arises, whichever
24 is earlier, disclose any direct or indirect interest of

1 the member in the disposal of public land in the
2 County; and

3 (2) shall not receive any financial benefits from
4 recommendations made by the Board.

5 (h) DURATION.—The Board shall terminate at the
6 later of the following:

7 (1) The end of the 15-year period beginning on
8 the date of enactment of this Act.

9 (2) The date when all lands described in section
10 401 are disposed of.

○