

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

(a) Short Title. --- This Act may be cited as the “Doña Ana County Planned Growth, Open Space, and Rangeland Preservation Act of 2008”

(b) Table of Contents. --- The table of contents of this Act is as follows:

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**SECTION 2. DEFINITIONS.**

In this Act:

(1) BOARD. --- The term “Board” means the Doña Ana County Land Disposal Advisory Board established by Section 403(a)(1).

- (2) CENTER. --- The term “Center” means the Chihuahuan Desert Rangeland Research Center of New Mexico State University.
- (3) CITY. --- The term “City” means the city of Las Cruces, New Mexico.
- (4) COUNTY. --- The term “County” means Doña Ana County, New Mexico.
- (5) MANAGEMENT PLAN. --- The term “management plan” means the management plan developed for the Rangeland Preservation Area under Section 203(a)
- (6) MULTIPLE USE. --- The term “multiple use” means multiple use as defined in the Federal Land Policy and Management Act of 1976.
- (7) RANGELAND PRESERVATION AREA. --- The term “Rangeland Preservation Area means the Rangeland Preservation Areas established by Section 201(a)
- (8) RANGELAND PRESERVATION AREA MAP. --- The term “Rangeland Preservation Area Map” means the map entitled “Rangeland Preservation Area Map” and dated \_\_\_\_\_.
- (9) SECRETARY. --- The term “Secretary” means the Secretary of the Interior, acting through the Director of the Bureau of Land Management
- (10) SPECIAL ACCOUNT. --- The term “special account” means the special account established under section 402(a)(1)(C)
- (11) SPECIAL PRESERVATION AREA. --- The term “Special Preservation Area” means the Special Preservation Areas established by Section 101(a).
- (12) SPECIAL PRESERVATION AREA MAP. --- The term “Special Preservation Area Map” means the map entitled “Special Preservation Area Map” dated \_\_\_\_\_”.
- (13) STATE DIRECTOR. --- The term “State Director” means the New Mexico State Director of the Bureau of Land Management.
- (14) STATE. --- The term “State” means the State of New Mexico.
- (15) UNIVERSITY. --- The term “University” means New Mexico State University.

**TITLE I – SPECIAL PRESERVATION AREAS**

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

- (a) In General. --- The following land in the County is designated as Special Preservation Areas:

(1) DOÑA ANA MOUNTAINS SPECIAL PRESERVATION AREA. --- Certain federal land managed by the Bureau of Land Management, comprising approximately 15,989 acres, as generally depicted on the map entitled “Doña Ana Mountains Special Preservation Area” and dated \_\_\_\_\_, which shall be known as the “Doña Ana Mountains Special Preservation Area”. ***[The Doña Ana Mountains SPA will include approximately 8189 acres within the Doña Ana Mountains proposed for NCA by NMWA, plus an additional 7,800 acres to be acquired by BLM as a result of the land exchange with NMSU.]***

(2) PICACHO PEAK SPECIAL PRESERVATION AREA. --- Certain federal land managed by the Bureau of Land Management, comprising approximately 1,885 acres, as generally depicted on the map entitled “Picacho Peak Special Preservation Area” and dated \_\_\_\_\_, which shall be known as the “Picacho Peak Special Preservation Area”. ***[The Picacho Peak SPA will include the federal land surrounding Picacho Peak]***

(b) Maps and Legal Descriptions. ---

(1) IN GENERAL. --- Not later than 30 days after the date of enactment of this Act, the Secretary shall submit to Congress maps and legal descriptions of the Special Preservation Areas.

(2) FORCE AND EFFECT. --- The maps and legal descriptions submitted under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in the maps and legal descriptions.

(3) PUBLIC AVAILABILITY. --- Copies of the Special Preservation Area maps and legal descriptions submitted under paragraph (1) shall be on file and available for public inspection in—

(A) the Office of the Director of the Bureau of Land Management;

(B) the Office of the State director;

(C) the Office of the Las Cruces District Manager of the Bureau of Land Management, and

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

(c) Withdrawals. --- Subject to valid existing rights (including lease rights) and historic rights of access, all federal land within the Special Preservation Areas and any land and interests in land acquired for the Special Preservation Areas by the United States after the date of enactment of this Act are withdrawn from—

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

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

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

**SEC. 102. MANAGEMENT OF THE SPECIAL PRESERVATION AREAS**

(a) In General. --- The Secretary shall manage the Special Preservation Areas—

(1) in a manner that—

(A) conserves, protects and enhances the resources of the Special Preservation Areas; and

(B) maintains and preserves the open spaces of federal lands within the Special Preservation Areas; and

(2) in accordance with—

(A) this title:

(B) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 170 et seq.)

(C) any other applicable laws

(b) No Buffer Zones.---

(1) IN GENERAL.--- There shall be no protective perimeter of buffer zone around the Special Preservation Areas.

(2) ACTIVITIES OUTSIDE THE SPECIAL PRSERVATION AREAS. --- The fact that an activity or use of land is not permitted on land within the Special Preservation Area shall not preclude the activity or use outside the boundary of the Special Preservation Area or on private or State land within the Special Preservation Area, consistent with other applicable laws.

**TITLE II – RANGELAND PRESERVATION AREAS**

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

(a) In General. --- The following land in the County is designated as Rangeland Preservation Areas:

(1) ORGAN MOUNTAINS RANGELAND PRESERVATION AREA. --- Certain federal land managed by the Bureau of Land Management, comprising approximately 77,059 acres, as generally depicted on the map entitled “Organ Mountains Rangeland Preservation Area” and dated \_\_\_\_\_, which shall be known as the “Organ Mountains Rangeland Preservation Area”. *[Note: The Organ Mountains RPA will consist of the federal lands within the areas proposed by New Mexico Wilderness Alliance as National Conservation*

***Areas (including the areas of the Organ Mountains WSA, Organ Needles WSA, and Pena Blanca WSA) that lie east of the proposed Weisner Road route south of U. S. Highway 70; except that the federal lands that lie east of Highway I 10 within T25S – R03E, T26S – R03E, and the west half of T26S-R04E which are identified as “Disposal Lands” by the BLM shall be excluded from the RPA. The eastern boundary of the RPA within T26S will follow “War Road” south from the boundary of Fort Bliss Military Reservation to NM St Rd 404, thence in a southwesterly direction along St Rd 404 to the east line of R04E, thence south to the NM/TX state line. The RPA will also include those areas north of Highway 70 in the NMWA proposed NCA located in R03E]***

***(2) LAS UVAS MOUNTAINS WATERSHED AND RANGELAND PRESERVATION AREA. – Certain federal lands managed by the Bureau of Land Management, comprising approximately 11,067 acres, as generally depicted on the map entitled “Las Uvas, Mountains Watershed and Rangeland Preservation Area” and dated \_\_\_\_\_, which shall be known as the “Las Uvas Mountains Watershed and Rangeland Preservation Area”. [Note: The Las Uvas Mountains Watershed and RPA will include the area of the Las Uvas Mountains WSA.]***

***(3) ROBLEDO MOUNTAINS WATERSHED AND RANGELAND PRESERVATION AREA. – Certain federal lands managed by the Bureau of Land Management, comprising approximately 12,946 acres, as generally depicted on the map entitled “Robledo Mountains Watershed and Rangeland Preservation Area” and dated \_\_\_\_\_, which shall be known as the “Robledo Mountains Watershed and Rangeland Preservation Area”. [Note: The Robledo Watershed and RPA will include the area of the Robledo Mountains WSA.]***

***(4) POTRILLO NATIONAL SECURITY AND RANGELAND PRESERVATION AREA. --- Certain federal lands managed by the Bureau of Land Management, comprising approximately 182,472 acres, as generally depicted on the map entitled “Potrillo National Security and Rangeland Preservation Area” and dated \_\_\_\_\_, which shall be known as the “Potrillo National Security and Rangeland Preservation Area”. [Note: The Potrillo National Security RPA will include the areas of the West Potrillo WSA, the Mount Riley WSA, and the Aden Lava Flow WSA.]***

**(b) Maps and Legal Descriptions. ---**

**(1) IN GENERAL. ---** Not later than 30 days after the date of enactment of this Act, the Secretary shall submit to Congress maps and legal descriptions of the Rangeland Preservation Areas.

**(2) FORCE AND EFFECT. ---** The maps and legal descriptions submitted under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in the maps and legal descriptions.

**(3) PUBLIC AVAILABILITY. ---** Copies of the Rangeland Preservation Area maps and legal descriptions submitted under paragraph (1) shall be on file and available for public inspection in—

**(A) the Office of the Director of the Bureau of Land Management;**

(B) the Office of the State Director;

(C) the Office of the Las Cruces District Manager of the Bureau of Land Management, and

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

(c) Withdrawals. --- Subject to valid existing rights (including lease rights) and historic rights of access, all Federal land within the Rangeland Preservation Areas and any land and interests in land acquired for the Rangeland Preservation Areas by the United States after the date of enactment of this Act are withdrawn from—

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

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

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

**SEC. 202. MANAGEMENT OF THE RANGELAND PRESERVATION AREAS**

(a) In General. --- The Secretary shall manage the Rangeland Preservation Areas—

(1) in a manner that—

(A) conserves, protects and enhances livestock grazing, recreation, wildlife management and scenic values under multiple-use; and

(B) conserves and protects the open spaces of federal lands within the Rangeland Preservation Areas; and

(C) conserves and protects any other unique resources within the Rangeland Preservation Areas.

(2) in accordance with—

(A) this title;

(B) the Federal Land Policy and Management Act of 1976 (43 U.S.C.1701 et seq.) and

(C) any other applicable laws.

(b) Uses. ---

(1) IN GENERAL. --- The Secretary shall allow only uses of the Rangeland Preservation Areas that the Secretary determines will further the purposes for which the Rangeland Preservation Areas are established.

(2) USE OF MOTORIZED VEHICLES. --- Except as needed for administrative purposes; homeland security and law enforcement; construction, maintenance, operation, or management of flood control and/or water conservation systems by any federal, state, or local governmental entity; construction, maintenance, and operation of authorized rangeland improvements; or to respond to an emergency; the use of motorized vehicles or mechanized transport in the Rangeland Preservation Areas shall be allowed only on roads and trails designated for vehicular use under the management plan.

(c) Hunting and Trapping. ---

(1) IN GENERAL. --- Subject to paragraph (2), hunting and trapping shall be allowed in the Rangeland Preservation Areas.

(2) LIMITATIONS. ---

(A) REGULATIONS. --- The Secretary may designate by regulation areas in which, and establish periods during which, for reasons of public safety, administration, or compliance with applicable laws, no hunting or trapping will be permitted in the Rangeland Preservation Areas.

(B) CONSULTATION. --- Except in emergencies, the Secretary shall consult with, and obtain the approval of, the appropriate State agency before promulgating regulations under subparagraph (A) that close a portion of the Rangeland Preservation Areas to hunting and trapping.

(d) Grazing. --- The Secretary shall issue any grazing leases or permits in the Rangeland Preservation Areas in accordance with the same laws and Executive orders followed by the Secretary in issuing grazing leases and permits on other land under the jurisdiction of the Bureau of Land Management.

(e) No Buffer Zones. ---

(1) IN GENERAL. --- There shall be no protective perimeter of buffer zone around the Rangeland Preservation Areas.

(2) ACTIVITIES OUTSIDE THE RANGELAND PRESERVATION AREAS. --- The fact that an activity or use of land is not permitted on land within the Rangeland Preservation Area shall not preclude the activity or use outside the boundary of the Rangeland Preservation Area or on private or State land within the Rangeland Preservation Area, consistent with other applicable laws.

(f) Acquisition of Land. ---

(1) IN GENERAL. --- The Secretary may acquire non-federal land in the Rangeland Preservation Areas only—

(A) from a willing seller; and

(B) through purchase, exchange, or donation.

(2) MANAGEMENT. --- Land acquired under paragraph (1) shall be managed as part of the Rangeland Preservation Areas in accordance with this title.

(g) Interpretive Sites. --- The Secretary may establish sites in the Rangeland Preservation Areas to permit the interpretation of the historical, cultural, scientific, archaeological, natural, and educational resources of the Rangeland Preservation Areas.

(h) Water Rights. --- Nothing in this Act –

(1) shall constitute or be construed to constitute either an express or implied reservation by the United States of any water or water rights with respect to the lands described as Rangeland Preservation Areas by this Act;

(2) shall affect any water rights in the State existing on the date of enactment of this Act, including any water rights held by the United States.

(i) Nothing in this Section shall prevent –

(1) the construction, maintenance, operation or management of flood control and/or water conservation systems by any federal, state, or local governmental entity.

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

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

### **SEC. 203. MANAGEMENT PLAN.**

(a) In General. --- Not later than 4 years after the date of enactment of this Act, the Secretary shall develop a comprehensive plan for the long-range protection and management of the Rangeland Conservation Areas,

(b) Contents. --- The management plan shall--

(1) describe the appropriate uses and management of the Rangeland Preservation Areas in accordance with—

(A) this title;

(B) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) : and

(C) other applicable laws.

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

(a) Finding. --- Congress finds that, for purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the federal land in the following areas has been adequately studied for wilderness designation:

- (1) The Aden Lava Flow Wilderness Study Area;
- (2) The Las Uvas Mountains Wilderness Study Area;
- (3) The Organ Mountains Wilderness Study Area;
- (4) The Robledo Mountains Wilderness Study Area;
- (5) The West Potrillo Mountains Wilderness Study Area;
- (6) The Mount Riley Wilderness Study Area;
- (7) The Pena Blanca Wilderness Study Area: and
- (8) The Organ Needles Wilderness Study Area.

(b) Release. --- Any federal land described in subsection (a)—

- (1) shall no longer be subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and
- (2) shall be managed in accordance with Sec. 202 and Sec. 203 of this title.

### **TITLE III – LAND EXCHANGES**

#### **SEC. 301. NEW MEXICO STATE UNIVERSITY LAND EXCHANGE.**

(a) Purposes. --- The purposes of the exchange authorized under this section are to—

- (1) support efforts of the University to manage the land of the University consistent with the designation of the University as the land-grant college for the State under the Act of July 2, 1862 (commonly known as the “First Morrill Act”) (7 U.S.C. 301 et seq.);
- (2) allow the University to control development of University land at the Center by consolidating surface and subsurface ownership; and
- (3) authorize the acquisition of non-Federal land to—
  - (A) consolidate holdings of the Bureau of Land Management; and
  - (B) improve the management by the Bureau of Land Management of recreation and other resources in the area of the Center.

(b) Definitions. --- In this section—

(1) FEDERAL ESTATE. --- The term “Federal estate” means the reserved Federal mineral estate underlying approximately 56,000 acres of land within the Center that is identified on the map as “Transfer Mineral Ownership to NMSU”

(2) MAP. --- The term “map” means the map entitled “Transfer Mineral Ownership to NMSU and Transfer Surface Ownership to BLM” and dated \_\_\_\_\_

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

(c) Authorization for Exchange. --- If the University conveys by quit claim deed acceptable to the Secretary, all right, title, and interest of the University in and to the University land, the Secretary shall, not later than 90 days after the date on which the Secretary accepts title to the University land, convey to the University all right, title, and interest of the United States in and to the Federal estate.

(d) Approximate Equal Value. --- Notwithstanding any other law—

(1) the value of the Federal estate and the value of the University land to be exchanged under this section shall be considered to be of equal value; and

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

(e) Legal Descriptions. ---

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

(2) EFFECT. --- The map and the legal descriptions submitted under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary may correct any clerical and typographical errors in the legal descriptions and maps.

(3) PUBLIC AVAILABILITY. --- Copies of the map and the legal descriptions submitted under paragraph (1) shall be on file and available for public inspection in the Office of the State Director.

(f) Hazardous Substances. ---

(1) IN GENERAL. --- Before any conveyances under this section, the University shall prepare, at the expense of the University, any environmental site assessments for the University land that the Secretary determines to be necessary.

(2) **OPTIONS OF SECRETARY.** --- If hazardous substances are found on the University land in an assessment conducted under paragraph (1), the Secretary may—

(A)(i) conduct further investigations of the affected land: and

(ii) as the Secretary determines to be necessary, require the University to conduct remediation:

(B) remove the affected land from the exchange; or

(C) terminate the exchange of land under subsection (c).

(g) **Effect on Valid Existing Rights.** --- Nothing in this title affects any valid existing rights in existence on the date of enactment of this Act with respect to any interest in the University land or the Federal estate.

## **TITLE IV. – DISPOSAL OF FEDERAL LAND FOR COMMUNITY GROWTH**

### **SEC. 401. DISPOSAL.**

(a) **In General.** --- The Secretary, in cooperation with the City and the County, in accordance with Federal Land Policy and Management Act of 1976 (43\_U.S.C.1701 et seq.), this title, and other applicable laws and subject to valid existing rights, from land in the County identified to be suitable for disposal at a price and in acreage as recommended by the Board, shall conduct sales of federal land described in subsection (b) to qualified bidders.

(b) **Description of Land.** --- The land referred to in subsection (a) consists of the federal land in the County that is—

(1) not segregated or withdrawn on or after the date of enactment of this Act: and

(2) identified for disposal through the resource management planning process of the Bureau of Land Management as of the date of enactment of this Act.

(c) **Availability of Map.** --- The map described in subsection (b) shall be on file and available for public inspection in—

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

(2) the Office of the State Director; and

(3) the Office of the Las Cruces District Manager of the Bureau of Land Management.

- (d) Compliance With Local Planning and Zoning Laws. --- Before the sale of land is conducted under subsection (a), the City or County shall submit to the Secretary a certification that qualified bidders have agreed to comply with –
  - (1) City and County zoning ordinances; and
  - (2) any master plan for the area approved by the City or County.
- (e) Method of Sale; Consideration. --- The sale of land under subsection (a) shall be –
  - (1) consistent with subsections (d) and (f) of section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713);
  - (2) unless otherwise determined by the Secretary, through a competitive bidding process; and
  - (3) for not less than fair market value.
- (f) Withdrawal. ---
  - (1) IN GENERAL. --- Subject to valid existing rights and except as provided in paragraph (2), the land described in subsection (b) is withdrawn from –
    - (A) all forms of entry and appropriation under the public land laws, including the mining laws;
    - (B) location, entry, and patent under the mining laws; and
    - (C) operation of the mineral leasing and geothermal leasing laws.
  - (2) EXCEPTION. --- Paragraph (1)(A) shall not apply to a competitive sale or an election by the City or County to obtain the land described in subsection (b) for public purposes under the Act of June 14, 1926 (commonly known as the “Recreation and Public Purposes Act”) (43 U.S.C. 869 et seq).
- (g) Opportunity Housing. --- In accordance with procedures established by the Secretary, a local government entity (including a local public housing authority) may acquire noncompetitively and at fair market value, for the purpose of providing affordable housing communities, land in the County that is—
  - (1) identified for disposal under subsection (b)(2); and
  - (2) recommended by the Board as appropriate for affordable housing.
- (h) Report. --- Not later than 3 years after the date of enactment of this Act and annually thereafter, the Secretary shall submit to the Committee on Resources of the House of

Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes the status of any conveyances under this title.

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

(a) Disposition of Proceeds. ---

(1) IN GENERAL. --- Of the amount of gross proceeds of the sale of land described in section 401(b) (other than proceeds from land sales made to the County used under section 401(g))—

(A) 10 percent of the amount shall be paid to the County for use for county planning, fire protection, law enforcement, public safety, transportation, and the development of parks, trails, natural areas, and other open space;

(B) 10 percent of the amount shall be paid to the County to be allocated to local communities within the County for use for planning, fire protection, law enforcement, public safety, transportation, and the development of parks, trails, natural areas, and pursuant to a cooperative agreement among units of local government, funding of a Dona Ana County Open Space Authority; and

(C) the remainder shall be deposited in a special account in the Treasury of the United States and shall be available without further appropriation to the Secretary until expended for—

(i) acquisition of environmentally sensitive land adjacent to the federal land in the State, in accordance with paragraph (3);

(ii) development of parks, trails and natural areas in the County pursuant to a cooperative agreement with a unit of local government;

(iii) rangeland improvements in the Rangeland Preservation Areas and any other area in the County administered by the Bureau of Land Management;

(iv) preservation and restoration of important habitat on public land in the County;

(v) the reimbursement of costs incurred by the Office of the State Director and the Las Cruces Office of the Bureau of Land Management in administering a sale of land described in section 401(b), including the costs of —

(I) conducting surveys;

(II) conducting appraisals; and

(III) complying with—

(aa) the National Environment Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(bb) sections 201 and 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711, 1712); and

(cc) any other appropriate Federal laws.

(2) PROCEDURES. --- The Secretary shall coordinate the use of the special account with the County, local governments, and other interested persons to ensure accountability and demonstrated results.

(3) LIMITATION. --- The Secretary shall use not more than 25 percent of amounts made available from the special account during any 5-year period for an acquisition of land under paragraph (1)(C)(i).

(b) Investment of Special Account. --- Any amounts deposited in the special account—

(1) shall earn interest in an amount determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities: and

(2) may be expended in accordance with this title.

(c) Federal Land Transaction Facilitation Act Account. --- Any proceeds from the sale of federal land in the County that, as of the date of enactment of this Act, are in the Federal Land Transaction facilitation Act account shall be transferred to the special account.

#### **SEC. 403. ADVISORY BOARD.**

(a) Establishment. ---

(1) IN GENERAL. --- There is established an advisory board to advise the Secretary with respect to the disposal of the land described in section 401(b), to be known as the “Doña Ana County Land Disposal Advisory Board”.

(2) MEMBERSHIP. ---

(A) COMPOSITION. --- The Board shall be composed of 7 members, of whom –

(i) 1 member shall be the Bureau of Land Management Las Cruces District Manager; and –

(ii) 6 members, to be appointed by the Secretary, of whom

(I) 1 member shall be a representative of the County, based on the recommendation of the governing body of the County;

(II) 1 member shall be a representative of the City, based on the recommendation of the governing body of the City;

(III) 1 member shall be a representative of the business community within the County;

(IV) 1 member shall be a representative of the ranching community who shall be the holder of an active grazing allotment within the County;

(V) 1 member shall be a member of the conservation community within the County; and

(VI) 1 member shall be a representative of the Elephant Butte Irrigation District, based on the recommendation of the governing body of the Elephant Butte Irrigation District.

(B) TERM; VACANCIES. ---

(i) TERM. --- A member of the Board shall be appointed for a term of 3 years.

(ii) VACANCIES. ---

(I) IN GENERAL. --- If there is a vacancy on the Board, the State Director shall appoint an individual to fill the vacancy.

(II) TERM. --- A member appointed to fill a vacancy under sub clause (ii) shall serve for the remainder of the term of the member being replaced.

(3) DUTIES. ---

(A) IN GENERAL. --- The Board shall—

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

(ii) make recommendations to the State Director with respect to the disposal of land under this title.

(B) PUBLIC COMMENT. --- The State Director shall establish procedures to provide Federal, State and local governments and the public with adequate notice of, and an opportunity to comment on, the priorities for

the disposal of public land, as determined under subparagraph (A), including through the conduct of public hearings as the State Director determines to be appropriate.

(4) MEETINGS. ---

(A) ANNUAL MEETINGS. --- The Board shall meet at least once a year at the call of the State Director.

(B) QUORUM. ---

(i) IN GENERAL. --- A quorum of Board members (as defined by the charter under paragraph (6)(A)) must be present to constitute an official meeting of the Board.

(ii) RECOMMENDATIONS. --- Formal recommendations of the Board shall require the approval of the majority of Board members.

(5) TRAVEL AND PER DIEM PAYMENTS. --- A member of the Board shall serve without pay, except that a member shall be reimbursed for any travel expenses, including per diem in lieu of subsistence, that are incurred while attending a meeting called under paragraph (4)(A).

(6) CHARTER. --- The Board shall establish a charter for the Board that includes rules for—

(A) defining a quorum;

(B) electing a chairperson; and

(C) establishing procedures for sending recommendations to the Secretary.

(7) CONFLICT OF INTEREST. --- A member of the Board—

(A) shall disclose any direct or indirect interest of the member in the disposal of public land in the County; and

(B) shall not receive any financial benefits from recommendations made by the Board.

(8) APPLICABLE LAW. --- The Board shall be subject to the requirements of the Federal Advisory Committee Act (5 U.S.C. App.)

**TITLE V – AUTHORIZATION OF APPROPRIATIONS**

**SEC. 501. AUTHORIZATION OF APPROPRIATIONS**

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