

116TH CONGRESS
1ST SESSION

S. _____

To establish the Bandelier National Park and Preserve in the State of
New Mexico.

IN THE SENATE OF THE UNITED STATES

Mr. HEINRICH introduced the following bill; which was read twice and referred
to the Committee on _____

A BILL

To establish the Bandelier National Park and Preserve 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 “Bandelier National
5 Park and Preserve Establishment Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) COMMISSION.—The term “Commission”
9 means the Tribal commission established under sec-
10 tion 4(d).

1 (2) INDIAN TRIBE.—The term “Indian tribe”
2 has the meaning given the term in section 4 of the
3 Indian Self-Determination and Education Assistance
4 Act (25 U.S.C. 5304).

5 (3) MAP.—The term “map” means the map en-
6 titled “Bandelier National Park and Preserve Pro-
7 posed Boundary”, numbered 315/149,741, and
8 dated December 2018.

9 (4) NATIONAL PARK.—The term “National
10 Park” means the Bandelier National Park, con-
11 sisting of approximately 29,656 acres of land in the
12 State, as generally depicted on the map.

13 (5) NATIONAL PRESERVE.—The term “National
14 Preserve” means the Bandelier National Preserve,
15 consisting of approximately 4,011 acres of land in
16 the State, as generally depicted on the map.

17 (6) SECRETARY.—The term “Secretary” means
18 the Secretary of the Interior.

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

21 (8) UNMANNED AIRCRAFT.—The term “un-
22 manned aircraft” means—

23 (A) a device that is used or intended to be
24 used for flight in the air without the possibility

1 of direct human intervention from within or on
2 the device; and

3 (B) any associated operational element or
4 component required for the pilot or system op-
5 erator in command to operate or control a de-
6 vice described in subparagraph (A).

7 **SEC. 3. ESTABLISHMENT OF BANDELIER NATIONAL PARK**
8 **AND PRESERVE.**

9 (a) ESTABLISHMENT.—

10 (1) IN GENERAL.—To protect, preserve, inter-
11 pret, and provide for the enjoyment of the scenic,
12 scientific, educational, natural, geological, historical,
13 cultural, archaeological, fish, wildlife, and rec-
14 reational values of the National Park and the Na-
15 tional Preserve, there is established as a unit of the
16 National Park System in the State a national park
17 and national preserve, to be known as the “Ban-
18 delier National Park and Preserve”.

19 (2) BOUNDARIES.—The Bandelier National
20 Park and Preserve shall consist of—

21 (A) the National Park; and

22 (B) the National Preserve.

23 (3) AVAILABILITY OF MAP.—The map shall be
24 on file and available for public inspection in the ap-
25 propriate offices of the National Park Service.

1 (4) EFFECT OF SUBSECTION.—Nothing in this
2 subsection affects the designation or management of
3 land located within the boundaries of the Bandelier
4 National Park and Preserve that is designated as
5 wilderness under the Wilderness Act (16 U.S.C.
6 1131 et seq.) before the date of enactment of this
7 Act, including the Bandelier Wilderness.

8 (b) ABOLISHMENT OF BANDELIER NATIONAL MONU-
9 MENT.—

10 (1) ABOLISHMENT.—Due to the establishment
11 of the Bandelier National Park and Preserve, the
12 Bandelier National Monument in Sandoval County,
13 New Mexico, is abolished.

14 (2) INCORPORATION.—The land and interests
15 in land that constitute the Bandelier National
16 Monument (as in existence on the day before the
17 date of enactment of this Act) are incorporated in,
18 and shall be considered to be a part of, the Ban-
19 delier National Park and Preserve.

20 (c) REFERENCES.—Any reference in a law, map, reg-
21 ulation, document, paper, or other record of the United
22 States to the monument referred to in subsection (b)(1)
23 shall be deemed to be a reference to the “Bandelier Na-
24 tional Park and Preserve”.

1 (d) AVAILABILITY OF FUNDS.—Any funds available
2 for the monument referred to in subsection (b)(1) shall
3 be available for the Bandelier National Park and Preserve.

4 (e) ADMINISTRATION.—Subject to section 4(a), the
5 Secretary shall administer the Bandelier National Park
6 and Preserve in accordance with—

7 (1) this Act; and

8 (2) the laws generally applicable to units of the
9 National Park System, including section 100101(a),
10 chapter 1003, sections 100751(a), 100752, 100753,
11 and 102101, and chapter 3201 of title 54, United
12 States Code.

13 **SEC. 4. MANAGEMENT OF BANDELIER NATIONAL PARK AND**
14 **PRESERVE AND VALLES CALDERA NATIONAL**
15 **PRESERVE.**

16 (a) HUNTING.—

17 (1) IN GENERAL.—Subject to paragraph (2),
18 the Secretary shall permit hunting on land in the
19 National Preserve in the same manner as hunting is
20 managed in the Valles Caldera National Preserve
21 under section 3043(b)(7) of the Carl Levin and
22 Howard P. “Buck” McKeon National Defense Au-
23 thorization Act for Fiscal Year 2015 (16 U.S.C.
24 698v–11(b)(7)).

1 (2) MANAGEMENT.—At the discretion of the
2 Secretary, the Superintendent of the Valles Caldera
3 National Preserve may manage hunting in the Na-
4 tional Preserve under paragraph (1).

5 (b) TRADITIONAL CULTURAL AND RELIGIOUS
6 SITES.—

7 (1) IN GENERAL.—The Secretary, in consulta-
8 tion with Indian tribes, shall ensure the protection
9 of traditional cultural and religious sites in the Ban-
10 delier National Park and Preserve.

11 (2) ACCESS.—The Secretary, in accordance
12 with Public Law 95–341 (commonly known as the
13 “American Indian Religious Freedom Act”) (42
14 U.S.C. 1996 et seq.)—

15 (A) shall provide access to the sites de-
16 scribed in paragraph (1) by members of Indian
17 tribes for traditional cultural and customary
18 uses; and

19 (B) may, on request of an Indian tribe,
20 temporarily close to general public use 1 or
21 more specific areas of the Bandelier National
22 Park and Preserve to protect traditional cul-
23 tural and customary uses in the area by mem-
24 bers of the Indian tribe.

1 (c) COLLECTION OF PLANTS AND MINERAL RE-
2 SOURCES BY MEMBERS OF CULTURALLY AFFILIATED IN-
3 DIAN TRIBES.—

4 (1) IN GENERAL.—The Secretary shall allow an
5 enrolled member of any Indian tribe (including the
6 Pueblo of San Ildefonso and the Pueblo of Santa
7 Clara) that is culturally affiliated with the land lo-
8 cated within the boundaries of the Bandelier Na-
9 tional Park and Preserve or the Valles Caldera Na-
10 tional Preserve to collect plants, including parts or
11 products of plants, and mineral resources within the
12 Bandelier National Park and Preserve and the
13 Valles Caldera National Preserve for noncommercial
14 traditional and cultural uses.

15 (2) APPLICATION.—

16 (A) IN GENERAL.—Except as provided in
17 subparagraph (B), a collection activity under
18 paragraph (1) shall be—

19 (i) consistent with applicable laws;

20 and

21 (ii) subject to such conditions as the
22 Secretary determines to be necessary to
23 protect the resources and values of the
24 Bandelier National Park and Preserve or
25 the Valles Caldera National Preserve.

1 (B) QUANTITY LIMITATIONS.—

2 (i) EXISTING REGULATIONS.—No
3 quantity limitation contained in a regula-
4 tion of the National Park Service in effect
5 on the date of enactment of this Act shall
6 apply to a collection activity under para-
7 graph (1).

8 (ii) LIMITATIONS IMPOSED BY SEC-
9 RETARY.—The Secretary may limit the
10 quantity of plants, including parts or prod-
11 ucts of plants, and mineral resources col-
12 lected under paragraph (1) if the Secretary
13 determines that the limitation is necessary
14 to protect the resources and values of the
15 Bandelier National Park and Preserve or
16 the Valles Caldera National Preserve.

17 (d) TRIBAL COMMISSION.—

18 (1) IN GENERAL.—To ensure that the manage-
19 ment of the Bandelier National Park and Preserve
20 reflects the expertise and traditional and historical
21 knowledge of members of applicable Indian tribes,
22 the Secretary shall establish a Tribal commission for
23 the Bandelier National Park and Preserve.

24 (2) PURPOSE.—The Commission shall provide
25 guidance and recommendations on the development

1 and implementation of management plans for, and
2 policies of, the Bandelier National Park and Pre-
3 serve.

4 (3) MEMBERSHIP.—The Commission shall con-
5 sist of 1 representative designated by the governing
6 body of each Indian tribe with a historical associa-
7 tion with the area within the boundaries of the Ban-
8 delier National Park and Preserve.

9 (4) INCORPORATION OF RECOMMENDATIONS.—
10 In developing plans and policies for the Bandelier
11 National Park and Preserve, the Secretary shall
12 carefully and fully consider incorporating the tradi-
13 tional and historical knowledge and special expertise
14 of members of the Commission or a comparable enti-
15 ty.

16 (5) WRITTEN EXPLANATION.—If the Secretary
17 determines not to incorporate a specific rec-
18 ommendation submitted to the Secretary in writing
19 by the Commission, the Secretary shall provide to
20 the Commission a written explanation of the reason
21 for the determination.

22 (e) WITHDRAWAL FROM FEDERAL MINING AND MIN-
23 ERAL LEASING LAWS.—

24 (1) WITHDRAWAL.—Subject to valid existing
25 rights in effect on the date of enactment of this Act,

1 the land located within the boundaries of the Ban-
2 delier National Park and Preserve is withdrawn
3 from—

4 (A) location, entry, and patent under the
5 mining laws; and

6 (B) disposition under all laws pertaining to
7 mineral and geothermal leasing.

8 (2) ACQUIRED LAND.—Any land or interest in
9 land that is acquired by the United States after the
10 date of enactment of this Act for inclusion in the
11 Bandelier National Park and Preserve, shall, on ac-
12 quisition, be immediately withdrawn in accordance
13 with this subsection.

14 (3) EFFECT.—Nothing in this subsection af-
15 fects any recreational use, including hunting or fish-
16 ing, that is authorized on the land within the bound-
17 aries of the Bandelier National Park and Preserve
18 under applicable law as of the date of enactment of
19 this Act.

20 (f) BOUNDARY ADJUSTMENT.—

21 (1) IN GENERAL.—Not later than 1 year after
22 the date of enactment of this Act, the Secretary and
23 the Secretary of Agriculture shall seek to enter into
24 an agreement to adjust the boundary between the
25 Valles Caldera National Preserve and the Santa Fe

1 National Forest for the purpose of improving the
2 management of the Valles Caldera National Preserve
3 and the Santa Fe National Forest, respectively.

4 (2) ADJUSTMENT.—Subject to paragraph (4), if
5 an agreement is entered into by the Secretary and
6 the Secretary of Agriculture under paragraph (1),
7 the boundary between the Valles Caldera National
8 Preserve and the Santa Fe National Forest shall be
9 adjusted in accordance with the agreement.

10 (3) INCORPORATED LAND.—Any land added to
11 the Valles Caldera National Preserve or the Santa
12 Fe National Forest as a result of the boundary ad-
13 justment under paragraph (2) shall be—

14 (A) subject to any law applicable to the
15 unit to which the land is added; and

16 (B) withdrawn from—

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

19 (ii) location, entry, and patent under
20 the mining laws; and

21 (iii) disposition under all laws relating
22 to mineral and geothermal leasing or min-
23 eral materials.

24 (4) CONTRACTS AND PERMITS.—Before adjust-
25 ing the boundary under paragraph (2), the Secretary

1 or the Secretary of Agriculture, as applicable, shall,
2 with respect to any contract or permit on land af-
3 fected by the agreement entered into under para-
4 graph (1)—

5 (A) allow the contract or permit to expire
6 at the end of the period of performance of the
7 contract or permit; or

8 (B) modify the contract or permit to ex-
9 clude the portion of the land covered by the
10 agreement.

11 (5) RIGHTS-OF-WAY AND EASEMENTS.—Any
12 right-of-way or easement with respect to land trans-
13 ferred to the Secretary or the Secretary of Agri-
14 culture under the agreement entered into under
15 paragraph (1) shall be transferred to the Secretary
16 or the Secretary of Agriculture, as applicable.

17 (g) UNMANNED AIRCRAFT.—

18 (1) IN GENERAL.—Except as provided in para-
19 graph (2), launching, landing, or operating an un-
20 manned aircraft is prohibited within the boundaries
21 of the Bandelier National Park and Preserve.

22 (2) AUTHORIZED USE.—

23 (A) IN GENERAL.—Subject to subpara-
24 graph (B), the Secretary may permit the use of
25 an unmanned aircraft for—

- 1 (i) administrative purposes, includ-
2 ing—
- 3 (I) scientific study;
 - 4 (II) search and rescue operations;
 - 5 (III) fire operations;
 - 6 (IV) law enforcement; or
 - 7 (V) other administrative pur-
8 poses, as determined by the Secretary;
- 9 or
- 10 (ii) activities conducted under an ap-
11 plicable—
- 12 (I) scientific research or col-
13 lecting permit; or
 - 14 (II) special use permit that spe-
15 cifically authorizes launching, landing,
16 or operating the unmanned aircraft.
- 17 (B) LIMITATION.—The Secretary may not
18 permit the use of an unmanned aircraft under
19 subparagraph (A) if the use would cause an un-
20 acceptable impact to the resources or values of
21 the National Park or the National Preserve, as
22 determined by the Secretary.