

## RESOLUTION

**WHEREAS**, the City of El Paso is directly south of Doña Ana County New Mexico;

**WHEREAS**, the El Paso – Doña Ana County region is interconnected in many important ways, including ecologically, economically, and socially;

**WHEREAS**, Doña Ana County is fortunate to have a diversity of federal public lands within its boundary;

**WHEREAS**, these lands provide quality of life and a respite and for the citizens of El Paso and Fort Bliss;

**WHEREAS**, these lands help provide many natural benefits including watershed protection, air quality protection, and ecosystem balance;

**WHEREAS**, protection of these lands will help ensure and compliment the long term quality of life for El Paso residents, as well as the enhancement of our regional economy as a tourist destination and desirable location to live and operate a business;

**WHEREAS**, on September 17<sup>th</sup> 2009, Senators Jeff Bingaman and Tom Udall introduced the **Organ Mountains-Desert Peaks Wilderness Act** in Congress;

**WHEREAS**, the **Organ Mountains – Desert Peaks Wilderness Act**, seeks to secure federal protections for much of the Organ Mountains, Potrillo Mountains, Sierra de Las Uvas Mountains, Broad Canyon, and the Robledo Mountains as Federal Wilderness Areas, and the foothills of the Organ Mountains, the Doña Ana Mountains, and parts of Broad Canyon as a National Conservation Area;

**WHEREAS**, there has been extensive community discussion and compromises achieved to ensure that enactment of the **Organ Mountains – Desert Peaks Wilderness Act** would enable effective access, utilization, and enjoyment of these public lands when protected;

**WHEREAS**, enactment of the **Organ Mountains – Desert Peaks Wilderness Act** would provide near contiguous protection of important lands stretching from Doña Ana County into El Paso, benefitting wildlife, our communities, and recreational users;

**WHEREAS**, the protection of Federal Wilderness Areas also safeguards the abilities of the livestock industry to operate on leases within these public lands;

**WHEREAS**, the City of El Paso strongly supports the **Organ Mountains-Desert Peaks Wilderness Act**, and all of its components; and

WHEREAS, the City of El Paso greatly appreciates the leadership of Senators Jeff Bingaman and Tom Udall in working to secure the natural legacy of these prized public lands within Doña Ana and Luna Counties, and with it, the identity, spirit, and lifestyle that is critically important to current and future generations.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That it endorses the **Organ Mountains-Desert Peaks Wilderness Act**, and encourages all Members of the United States Congress and the Texas Congressional Delegation to support this legislation, and that the President of the United States to sign it into law.

ADOPTED this \_\_\_\_ day of October 2009.

**THE CITY OF EL PASO**

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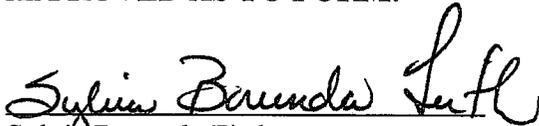
John F. Cook  
Mayor

**ATTEST:**

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Richarda D. Momsen  
City Clerk

**APPROVED AS TO FORM:**



Sylvia Borunda Firth  
Senior Assistant City Attorney

CITY CLERK DEPT.  
09 OCT 15 AM 10:27

111TH CONGRESS  
1ST SESSION

# S. 1689

To designate certain land as components of the National Wilderness Preservation System and the National Landscape Conservation System in the State of New Mexico, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 17, 2009

Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To designate certain land as components of the National Wilderness Preservation System and the National Landscape Conservation System in the State of 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 This Act may be cited as the “Organ Mountains-  
5 Desert Peaks Wilderness Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1           (1) CONSERVATION AREA.—The term “Con-  
2           servation Area” means each of the Organ Mountains  
3           National Conservation Area and the Desert Peaks  
4           National Conservation Area established by section  
5           4(a).

6           (2) MANAGEMENT PLAN.—The term “manage-  
7           ment plan” means the management plan for the  
8           Conservation Areas developed under section 4(d).

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

11          (4) STATE.—The term “State” means the State  
12          of New Mexico.

13 **SEC. 3. DESIGNATION OF WILDERNESS AREAS.**

14          (a) IN GENERAL.—In accordance with the Wilderness  
15          Act (16 U.S.C. 1131 et seq.), the following areas in the  
16          State are designated as wilderness and as components of  
17          the National Wilderness Preservation System:

18               (1) ADEN LAVA FLOW WILDERNESS.—Certain  
19               land administered by the Bureau of Land Manage-  
20               ment in Doña Ana County comprising approximately  
21               27,650 acres as generally depicted on the map enti-  
22               tled “Potrillo Mountains Complex” and dated Sep-  
23               tember 16, 2009, which shall be known as the  
24               “Aden Lava Flow Wilderness”.

1           (2) BROAD CANYON WILDERNESS.—Certain  
2 land administered by the Bureau of Land Manage-  
3 ment in Doña Ana County comprising approximately  
4 13,900 acres as generally depicted on the map enti-  
5 tled “Desert Peaks National Conservation Area”  
6 and dated September 16, 2009, which shall be  
7 known as the “Broad Canyon Wilderness”.

8           (3) CINDER CONE WILDERNESS.—Certain land  
9 administered by the Bureau of Land Management in  
10 Doña Ana County comprising approximately 16,950  
11 acres as generally depicted on the map entitled  
12 “Potrillo Mountains Complex” and dated September  
13 16, 2009, which shall be known as the “Cinder Cone  
14 Wilderness”.

15           (4) ORGAN MOUNTAINS WILDERNESS.—Certain  
16 land administered by the Bureau of Land Manage-  
17 ment in Doña Ana County comprising approximately  
18 19,400 acres as generally depicted on the map enti-  
19 tled “Organ Mountains National Conservation Area”  
20 and dated September 16, 2009, which shall be  
21 known as the “Organ Mountains Wilderness”.

22           (5) POTRILLO MOUNTAINS WILDERNESS.—Cer-  
23 tain land administered by the Bureau of Land Man-  
24 agement in Doña Ana and Luna counties comprising  
25 approximately 143,450 acres as generally depicted

1 on the map entitled "Potrillo Mountains Complex"  
2 and dated September 16, 2009, which shall be  
3 known as the "Potrillo Mountains Wilderness".

4 (6) ROBLEDO MOUNTAINS WILDERNESS.—Cer-  
5 tain land administered by the Bureau of Land Man-  
6 agement in Doña Ana County comprising approxi-  
7 mately 17,000 acres as generally depicted on the  
8 map entitled "Desert Peaks National Conservation  
9 Area" and dated September 16, 2009, which shall be  
10 known as the "Robledo Mountains Wilderness".

11 (7) SIERRA DE LAS UVAS WILDERNESS.—Cer-  
12 tain land administered by the Bureau of Land Man-  
13 agement in Doña Ana County comprising approxi-  
14 mately 11,100 acres as generally depicted on the  
15 map entitled "Desert Peaks National Conservation  
16 Area" and dated September 16, 2009, which shall be  
17 known as the "Sierra de las Uvas Wilderness".

18 (8) WHITETHORN WILDERNESS.—Certain land  
19 administered by the Bureau of Land Management in  
20 Doña Ana and Luna counties comprising approxi-  
21 mately 9,600 acres as generally depicted on the map  
22 entitled "Potrillo Mountains Complex" and dated  
23 September 16, 2009, which shall be known as the  
24 "Whitethorn Wilderness".

1 (b) MANAGEMENT.—Subject to valid existing rights,  
2 the wilderness areas designated by subsection (a) shall be  
3 administered by the Secretary in accordance with this Act  
4 and the Wilderness Act (16 U.S.C. 1131 et seq.), except  
5 that any reference in the Wilderness Act to the effective  
6 date of that Act shall be considered to be a reference to  
7 the date of enactment of this Act.

8 (c) INCORPORATION OF ACQUIRED LAND AND INTER-  
9 ESTS IN LAND.—Any land or interest in land that is with-  
10 in the boundary of a wilderness area designated by sub-  
11 section (a) that is acquired by the United States shall—

12 (1) become part of the wilderness area within  
13 the boundaries of which the land is located; and

14 (2) be managed in accordance with—

15 (A) the Wilderness Act (16 U.S.C. 1131 et  
16 seq.);

17 (B) this Act; and

18 (C) any other applicable laws.

19 (d) GRAZING.—Grazing of livestock in the wilderness  
20 areas designated by subsection (a), where established be-  
21 fore the date of enactment of this Act, shall be adminis-  
22 tered in accordance with—

23 (1) section 4(d)(4) of the Wilderness Act (16  
24 U.S.C. 1133(d)(4)); and

1           (2) the guidelines set forth in appendix A of the  
2           Report of the Committee on Interior and Insular Af-  
3           fairs to accompany H.R. 2570 of the 101st Congress  
4           (H. Rept. 101-405).

5           (e) MILITARY OVERFLIGHTS.—Nothing in this sec-  
6           tion restricts or precludes—

7           (1) low-level overflights of military aircraft over  
8           the wilderness areas designated by subsection (a),  
9           including military overflights that can be seen or  
10          heard within the wilderness areas;

11          (2) flight testing and evaluation; or

12          (3) the designation or creation of new units of  
13          special use airspace, or the establishment of military  
14          flight training routes, over the wilderness areas.

15          (f) BUFFER ZONES.—

16          (1) IN GENERAL.—Nothing in this section cre-  
17          ates a protective perimeter or buffer zone around  
18          any wilderness area designated by subsection (a).

19          (2) ACTIVITIES OUTSIDE WILDERNESS  
20          AREAS.—The fact that an activity or use on land  
21          outside any wilderness area designated by subsection  
22          (a) can be seen or heard within the wilderness area  
23          shall not preclude the activity or use outside the  
24          boundary of the wilderness area.

25          (g) POTENTIAL WILDERNESS AREA.—

1 (1) ROBLEDO MOUNTAINS POTENTIAL WILDER-  
2 NESS AREA.—

3 (A) IN GENERAL.—Certain land adminis-  
4 tered by the Bureau of Land Management,  
5 comprising approximately 100 acres as gen-  
6 erally depicted as “Potential Wilderness” on the  
7 map entitled “Desert Peaks National Conserva-  
8 tion Area” and dated September 16, 2009, is  
9 designated as a potential wilderness area.

10 (B) DESIGNATION AS WILDERNESS.—

11 (i) IN GENERAL.—On the date on  
12 which the Secretary publishes in the Fed-  
13 eral Register the notice described in clause  
14 (ii), the potential wilderness area des-  
15 ignated under subparagraph (A) shall be—

16 (I) designated as wilderness and  
17 as a component of the National Wil-  
18 derness Preservation System; and

19 (II) incorporated into the  
20 Robledo Mountains Wilderness des-  
21 ignated by subsection (a)(6).

22 (ii) NOTICE.—The notice referred to  
23 in clause (i) is notice that—

24 (I) the communications site with-  
25 in the potential wilderness area des-

1                   ignated under subparagraph (A) is no  
2                   longer used;

3                   (II) the associated right-of-way is  
4                   relinquished or not renewed; and

5                   (III) the conditions in the poten-  
6                   tial wilderness area designated by sub-  
7                   paragraph (A) are compatible with the  
8                   Wilderness Act (16 U.S.C. 1131 et  
9                   seq.).

10           (h) RELEASE OF WILDERNESS STUDY AREAS.—Con-  
11           gress finds that, for purposes of section 603(c) of the Fed-  
12           eral Land Policy and Management Act of 1976 (43 U.S.C.  
13           1782(c)), the public land in Doña Ana County adminis-  
14           tered by the Bureau of Land Management not designated  
15           as wilderness by subsection (a)—

16                   (1) has been adequately studied for wilderness  
17                   designation;

18                   (2) is no longer subject to section 603(c) of the  
19                   Federal Land Policy and Management Act of 1976  
20                   (43 U.S.C. 1782(c)); and

21                   (3) shall be managed in accordance with—

22                           (A) the Federal Land Policy and Manage-  
23                           ment Act of 1976 (43 U.S.C. 1701 et seq.);

24                           (B) this Act; and

25                           (C) any other applicable laws.

1 **SEC. 4. ESTABLISHMENT OF NATIONAL CONSERVATION**  
2 **AREAS.**

3 (a) **ESTABLISHMENT.**—The following areas in the  
4 State are established as National Conservation Areas:

5 (1) **ORGAN MOUNTAINS NATIONAL CONSERVA-**  
6 **TION AREA.**—Certain land administered by the Bu-  
7 reau of Land Management in Doña Ana County  
8 comprising approximately 86,650 acres as generally  
9 depicted on the map entitled “Organ Mountains Na-  
10 tional Conservation Area” and dated September 16,  
11 2009, which shall be known as the “Organ Moun-  
12 tains National Conservation Area”.

13 (2) **DESERT PEAKS NATIONAL CONSERVATION**  
14 **AREA.**—Certain land administered by the Bureau of  
15 Land Management in Doña Ana County comprising  
16 approximately 75,600 acres, as generally depicted on  
17 the map entitled “Desert Peaks National Conserva-  
18 tion Area” and dated September 16, 2009, which  
19 shall be known as the “Desert Peaks National Con-  
20 servation Area”.

21 (b) **PURPOSES.**—The purposes of the Conservation  
22 Areas are to conserve, protect, and enhance for the benefit  
23 and enjoyment of present and future generations the cul-  
24 tural, archaeological, natural, geological, historical, eco-  
25 logical, wildlife, educational, recreational, and scenic re-  
26 sources of the Conservation Areas.

## 1 (c) MANAGEMENT.—

2 (1) IN GENERAL.—The Secretary shall manage  
3 the Conservation Areas—

4 (A) in a manner that conserves, protects,  
5 and enhances the resources of the Conservation  
6 Areas; and

7 (B) in accordance with—

8 (i) the Federal Land Policy and Man-  
9 agement Act of 1976 (43 U.S.C. 1701 et  
10 seq.);

11 (ii) this Act; and

12 (iii) any other applicable laws.

13 (2) USES.—

14 (A) IN GENERAL.—The Secretary shall  
15 allow only such uses of the Conservation Areas  
16 that the Secretary determines would further the  
17 purposes described in subsection (b).

18 (B) USE OF MOTORIZED VEHICLES.—

19 (i) IN GENERAL.—Except as needed  
20 for administrative purposes or to respond  
21 to an emergency, the use of motorized ve-  
22 hicles in the Conservation Areas shall be  
23 permitted only on roads designated for use  
24 by motorized vehicles in the management  
25 plan.

1 (ii) NEW ROADS.—No additional road  
2 shall be built within the Conservation  
3 Areas after the date of enactment of this  
4 Act unless the road is necessary for public  
5 safety or natural resource protection.

6 (C) GRAZING.—The Secretary shall permit  
7 grazing within the Conservation Areas, where  
8 established before the date of enactment of this  
9 Act—

10 (i) subject to all applicable laws (in-  
11 cluding regulations) and Executive orders;  
12 and

13 (ii) consistent with the purposes de-  
14 scribed in subsection (b).

15 (D) UTILITY RIGHT-OF-WAY UPGRADES.—  
16 Nothing in this section precludes the Secretary  
17 from renewing or authorizing the upgrading  
18 (including widening) of an existing utility right-  
19 of-way through the Organ Mountains National  
20 Conservation Area—

21 (i) in accordance with—

22 (I) the National Environmental  
23 Policy Act of 1969 (42 U.S.C. 4321  
24 et seq.); and

25 (II) any other applicable law; and

1 (ii) subject to such terms and condi-  
2 tions as the Secretary determines to be ap-  
3 propriate.

4 (d) MANAGEMENT PLAN.—

5 (1) IN GENERAL.—Not later than 3 years after  
6 the date of enactment of this Act, the Secretary  
7 shall develop a management plan for each of the  
8 Conservation Areas.

9 (2) CONSULTATION.—The management plans  
10 shall be developed in consultation with—

11 (A) State, tribal, and local governments;

12 and

13 (B) the public.

14 (3) CONSIDERATIONS.—In preparing and imple-  
15 menting the management plans, the Secretary shall  
16 consider the recommendations of Indian tribes and  
17 pueblos on methods for—

18 (A) ensuring access to, and protection for,  
19 traditional cultural and religious sites in the  
20 Conservation Areas; and

21 (B) enhancing the privacy and continuity  
22 of traditional cultural and religious activities in  
23 the Conservation Areas.

24 (e) INCORPORATION OF ACQUIRED LAND AND INTER-  
25 ESTS IN LAND.—Any land or interest in land that is with-

1 in the boundary of a Conservation Area designated by sub-  
2 section (a) that is acquired by the United States shall—

3 (1) become part of the Conservation Area with-  
4 in the boundaries of which the land is located; and

5 (2) be managed in accordance with—

6 (A) this Act; and

7 (B) any other applicable laws.

8 (f) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

9 On the date of enactment of this Act, administrative juris-  
10 diction over the approximately 2,050 acres of land gen-  
11 erally depicted as “Transfer from DOD to BLM” on the  
12 map entitled “Organ Mountains National Conservation  
13 Area” and dated September 16, 2009, shall—

14 (1) be transferred from the Secretary of De-  
15 fense to the Secretary;

16 (2) become part of the Organ Mountains Na-  
17 tional Conservation Area; and

18 (3) be managed in accordance with—

19 (A) this Act; and

20 (B) any other applicable laws.

21 **SEC. 5. GENERAL PROVISIONS.**

22 (a) MAPS AND LEGAL DESCRIPTIONS.—

23 (1) IN GENERAL.—As soon as practicable after  
24 the date of enactment of this Act, the Secretary  
25 shall file maps and legal descriptions of the Con-

1       servation Areas and the wilderness areas designated  
2       by section 3(a) with—

3               (A) the Committee on Energy and Natural  
4               Resources of the Senate; and

5               (B) the Committee on Natural Resources  
6               of the House of Representatives.

7               (2) FORCE OF LAW.—The maps and legal de-  
8       scriptions filed under paragraph (1) shall have the  
9       same force and effect as if included in this Act, ex-  
10      cept that the Secretary may correct errors in the  
11      maps and legal descriptions.

12              (3) PUBLIC AVAILABILITY.—The maps and  
13      legal descriptions filed under paragraph (1) shall be  
14      on file and available for public inspection in the ap-  
15      propriate offices of the Bureau of Land Manage-  
16      ment.

17              (b) NATIONAL LANDSCAPE CONSERVATION SYS-  
18      TEM.—The Conservation Areas and the wilderness areas  
19      designated by section 3(a) shall be administered as compo-  
20      nents of the National Landscape Conservation System.

21              (c) FISH AND WILDLIFE.—Nothing in this Act af-  
22      fects the jurisdiction of the State with respect to fish and  
23      wildlife located on public land in the State, except that  
24      the Secretary, after consultation with the New México De-  
25      partment of Game and Fish, may designate zones where,

1 and establish periods during which, hunting, or fishing  
2 shall not be allowed for reasons of public safety, adminis-  
3 tration, the protection for nongame species and their habi-  
4 tats, or public use and enjoyment.

5 (d) WITHDRAWALS.—

6 (1) IN GENERAL.—Subject to valid existing  
7 rights, the Federal land within the Conservation  
8 Areas, the wilderness areas designated by section  
9 3(a), and the approximately 6,300 acres of land gen-  
10 erally depicted as “Parcel B” on the map entitled  
11 “Organ Mountains National Conservation Area” and  
12 dated September 16, 2009, including any land or in-  
13 terest in land that is acquired by the United States  
14 after the date of enactment of this Act within such  
15 areas, is withdrawn from—

16 (A) entry, appropriation, or disposal under  
17 the public land laws;

18 (B) location, entry, and patent under the  
19 mining laws; and

20 (C) operation of the mineral leasing, min-  
21 eral materials, and geothermal leasing laws.

22 (2) LIMITED WITHDRAWAL.—The approxi-  
23 mately 1,300 acres of land generally depicted as  
24 “Parcel A” on the map entitled “Organ Mountains  
25 National Conservation Area” and dated September

1 16, 2009, is withdrawn in accordance with para-  
2 graph (1), except from disposal under the Act of  
3 June 14, 1926 (commonly known as the "Recreation  
4 and Public Purposes Act" (43 U.S.C. 869 et seq.)).

5 **SEC. 6. PREHISTORIC TRACKWAYS NATIONAL MONUMENT**  
6 **BOUNDARY ADJUSTMENT.**

7 Section 2103(b) of the Omnibus Public Land Man-  
8 agement Act of 2009 (16 U.S.C. 431 note; Public Law  
9 111-11; 123 Stat. 1097) is amended by striking "Decem-  
10 ber 17, 2008" and inserting "July 30, 2009".

11 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

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

○