

# A: ESTABLISHING LEGISLATION

104 STAT. 272

PUBLIC LAW 101-313—JUNE 27, 1990

Public Law 101-313  
101st Congress

An Act

June 27, 1990  
[S. 286]

To establish Petroglyph National Monument and Pecos National Historical Park in the State of New Mexico, and for other purposes.

Public lands.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Petroglyph  
National  
Monument  
Establishment  
Act of 1990.  
16 USC 431 note.

## TITLE I—PETROGLYPH NATIONAL MONUMENT

### SECTION 101. SHORT TITLE AND CONGRESSIONAL FINDINGS.

(a) This title may be cited as the "Petroglyph National Monument Establishment Act of 1990".

(b) The Congress finds that—

(1) the nationally significant Las Imagines National Archeological District on Albuquerque's West Mesa Escarpment contains more than 15,000 documented and prehistoric and historic petroglyphs;

(2) the district also contains approximately sixty-five other archeological sites;

(3) the West Mesa Escarpment and the petroglyphs are threatened by urbanization and vandalism, and hundreds of petroglyphs have already been destroyed;

(4) the State of New Mexico has shown great leadership by recognizing the importance of the archeological resources of the West Mesa Escarpment through the establishment of the Las Imagines National Archeological District;

(5) the city of Albuquerque has played a significant role in the preservation of the natural, cultural, and recreational resources of the West Mesa Escarpment;

(6) the Middle Rio Grande Pueblo Tribes have shown a strong and sincere interest in the preservation of their heritage through protection of the West Mesa Escarpment;

(7) the Atrisco Land Grant, now held by Westland Development Company, Incorporated, a corporation whose stock is owned primarily by heirs of the Atrisco Land Grant, has played a significant role in the settlement of the West Mesa area since 1692, and the corporation's shareholders have shown a strong interest in the preservation of their traditional lands;

(8) the National Park System has no unit established for the specific purpose of protecting, preserving, and interpreting prehistoric and historic rock art; and

(9) in light of the national significance of the West Mesa Escarpment and the petroglyphs and the urgent need to protect the cultural and natural resources of the area from urbanization and vandalism, it is appropriate that a national monument be established in the West Mesa Escarpment area, near Albuquerque, New Mexico.

## SEC. 102. ESTABLISHMENT OF PETROGLYPH NATIONAL MONUMENT.

(a) In order to preserve, for the benefit and enjoyment of present and future generations, that area in New Mexico containing the nationally significant West Mesa Escarpment, the Las Imagines National Archeological District, a portion of the Atrisco Land Grant, and other significant natural and cultural resources, and to facilitate research activities associated with the resources, there is hereby established the Petroglyph National Monument (hereinafter in this title referred to as the "monument") as a unit of the National Park System. The monument shall consist of approximately 5,280 acres generally known as the Atrisco Unit, as depicted on the map entitled "Boundary Map, Petroglyph National Monument", numbered NM-PETR-80,010C and dated June 1990, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, in the offices of the Department of Energy, Minerals, and Natural Resources of the State of New Mexico, and in the office of the mayor of the city of Albuquerque, New Mexico.

(b) The monument shall be administered by the Secretary of the Interior (hereinafter in this title referred to as the "Secretary") or, if the monument is expanded pursuant to section 104(a), by the Secretary in cooperation with the State of New Mexico (hereinafter in this title referred to as the "State") or the city of Albuquerque, New Mexico (hereinafter in this title referred to as the "city"), in accordance with section 105.

(c) Within 6 months after the date of enactment of this title, the Secretary shall file a legal description of the monument with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives. Such legal description shall have the same force and legal description as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description. The legal description shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, in the offices of the Department of Energy, Minerals, and Natural Resources of the State of New Mexico, and in the office of the mayor of the city of Albuquerque, New Mexico: *Provided*, That the Secretary may from time to time, after completion of the general management plan referred to in section 108(a), may make minor adjustments to the monument boundary by publication of a revised map or other boundary description in the Federal Register.

## SEC. 103. LAND ACQUISITION AUTHORITY.

(a) The Secretary is authorized to acquire lands and interests therein within the monument boundary by donation, purchase with donated or appropriated funds, exchange, or transfer from any other Federal agency, except that lands or interests therein owned by the State or a political subdivision thereof may be acquired only by donation or exchange.

(b) Where the surface and subsurface estates of private land to be acquired are separately owned, the Secretary shall acquire the subsurface estate to such land prior to or at the same time the surface estate is acquired: *Provided*, That this subsection shall not be applicable if the Secretary determines that the prior acquisition of the surface estate is necessary—

(1) to prevent damage to the resources of the monument; or

Gifts and  
property.

(2) to properly manage and interpret the monument in accordance with sections 102 and 105.

(c)(1) The Secretary is authorized to exchange Federal lands within the area described on the map referred to in section 102(a) as the Piedras Marcadas Unit for lands owned by the city within the area described as the Atrisco Unit on such map.

(2) The Secretary is authorized to exchange Federal lands within the area described on the map referred to in section 102(a) as the Boca Negra Unit for lands owned by the State within the area described as the Atrisco Unit on such map.

(3) Exchanges shall be on the basis of equal value, and either party to the exchange may pay or accept cash in order to equalize the value of the properties exchanged.

(d) Prior to acquiring fee simple ownership of private lands or interests therein within the monument boundary, the Secretary is authorized to acquire an appropriate interest in such land by donation or for a nominal fee from the owner or owners of such lands for the purpose of providing immediate protection against trespass or vandalism or initiating any resource inventories necessary to carry out the purposes of this title.

Gifts and  
property

#### SEC. 104. EXPANSION OF THE MONUMENT.

(a) Upon the execution of a binding agreement between the Secretary, the State, and the city that the lands identified in this subsection shall be perpetually managed in accordance with section 105, the Secretary shall include such lands, totaling approximately 1,994 acres, within the monument boundary. The lands referred to in this subsection are:

(1) the approximately 1,779 acres generally known as the Piedras Marcadas Unit, as depicted on the map referred to in section 102(a); and

(2) the approximately 215 acres generally known as the Boca Negra Unit, as depicted on the map referred to in section 102(a).

(b)(1) The Secretary is authorized to acquire, as provided in section 103(a), some or all of the approximately 95 acres of land, or interests therein, within the area identified as "Potential Addition" on the map referred to in section 102(a), if, after consultation with the Petroglyph National Monument Advisory Commission established under section 110, the Secretary determines that such acquisition would further the purposes of this title.

(2) The authority of the Secretary to make acquisitions pursuant to paragraph (1) shall expire on the date three years after the date of enactment of this Act.

(3) Any lands acquired pursuant to paragraph (1) shall be incorporated into the monument and managed accordingly.

#### SEC. 105. ADMINISTRATION AND MANAGEMENT OF THE MONUMENT.

(a) The Secretary shall administer, manage, and protect the monument in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.), and this title, and in such a manner as to preserve, for the benefit and enjoyment of present and future generations, its cultural and natural resources, and to provide for the interpretation of and research on such resources.

(b) Units of the monument which may be added pursuant to section 104(a) shall be managed and developed in accordance with management and operational plans prepared concurrently with the

National Park Service, consistent with section 108. Visitor use and interpretive programs within such units shall be undertaken consistent with plans developed with the assistance of the National Park Service.

(c) The Secretary is authorized to enter into cooperative agreements with either the State or the city under which the Secretary may manage and interpret any lands owned by the State or the city, respectively, within the boundaries of the monument.

Contracts.

(d) In order to encourage a unified and cost effective interpretive program of the natural and cultural resources of the West Mesa Escarpment and its environs, the Secretary is authorized to enter into cooperative agreements with other Federal, State, and local public departments and agencies, Indian tribes, and nonprofit entities providing for the interpretation of these resources. Such agreements shall include, but need not be limited to, a provision for the Secretary to develop and operate interpretive facilities and programs on lands and interests in lands outside the monument boundary, with the agreement of the owner or the administrator thereof. Such cooperative agreements may also provide for financial and technical assistance for the planning and implementation of interpretive programs and minimal development related to these programs.

Contracts.  
Conservation.

(e) Federal laws generally applicable to units of the National Park System, including but not limited to, the National Environmental Policy Act of 1969 and the Archeological Resources Protection Act of 1979, shall apply to the monument. The Secretary is authorized to pursue concurrent jurisdiction of the monument for the purposes of law enforcement and implementation of Federal regulations.

#### SEC. 106. LAND USE AND TRANSPORTATION PLANNING.

The Secretary may participate in land use and transportation management planning conducted by appropriate local authorities for lands adjacent to the monument and may provide technical assistance to such authorities and affected landowners for such planning.

#### SEC. 107. EXISTING TRANSMISSION OR DISTRIBUTION FACILITIES.

Nothing in this title shall be construed as authorizing or requiring revocation of any interest or easement for existing transmission or distribution facilities or prohibiting the operation and maintenance of such facilities within or adjacent to the monument boundary.

#### SEC. 108. GENERAL MANAGEMENT PLAN.

(a) Within 3 years from the date funding is made available for the purposes of this section, the Secretary, in cooperation with the city and the State, shall develop and transmit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives, a general management plan for the monument consistent with the purposes of this title, including, but not limited to—

- (1) a statement of the number of visitors and types of public use within the monument which can be accommodated in accordance with the protection of its resources;
- (2) a resource protection program;
- (3) a general interpretive program;

(4) a plan to implement the joint resolution entitled "American Indian Religious Freedom", approved August 11, 1978 (42 U.S.C. 1996);

(5) a general development plan for the monument, including proposals for a visitors' center, and the estimated cost thereof; and

(6) a plan for the Rock Art Research Center established in section 109.

(b) The general management plan shall be prepared in consultation with the Petroglyph National Monument Advisory Commission established pursuant to section 110, appropriate Indian tribes and their civil officials, the heirs of the Atrisco Land Grant, the New Mexico State Historical Preservation Office, and other interested parties.

Contracts. (c) The Secretary shall undertake, in consultation and cooperation with appropriate New Mexico Indian tribes and their civil officials, research on other Rio Grande style rock art sites on Federal lands in New Mexico, and through cooperative agreements with State and willing private landowners, on non-Federal lands. The Secretary shall provide the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives within 3 years of the date funding is made available for the purposes of this section, a report that—

(1) lists various locations of Rio Grande style rock art;

(2) identifies the ownership of the rock art;

(3) identifies the condition of the resources; and

(4) identifies the appropriate type of technical assistance needed for the protection and care of these resources.

The report shall be updated and transmitted to such committees every 2 years thereafter.

Cultural programs, Indians, Minorities, Public buildings and grounds

#### SEC. 109. ROCK ART RESEARCH CENTER.

(a) In order to provide for research relating to Rio Grande style rock art, undertake comprehensive evaluations of petroglyphs within the monument, prepare interpretive programs that are sensitive to the concerns of the Indian and Hispanic peoples, and relate monument resources to other styles and forms of rock art, the Secretary, acting through the National Park Service and in cooperation with the University of New Mexico, other educational institutions, foundations, Indian tribes, and private entities, shall establish a Rock Art Research Center hereinafter in this title referred to as the "Center".

(b) The Center shall function as a focal point for the systematic and scholarly collection, analysis, and dissemination of information relating to Rio Grande style rock art, and other forms of rock art within the region.

Education. (c) The Center shall produce research data and educational materials that will enhance public understanding of prehistoric and historic rock art.

(d) The Center shall provide for a broad program of research including ethnographic studies, resource management techniques, and comparative studies of rock art forms and styles.

(e) Research shall be primarily directed toward rock art managed by the National Park Service. The Secretary may enter into cooperative agreements with other agencies and entities as may be appropriate to carry out the requirements of the Center.

(f) The Secretary, acting through the National Park Service, is authorized to undertake research and assist in the management and protection of Rio Grande style rock art sites on public and, with the agreement of the landowner, private lands within the Galisteo Basin. The Secretary is authorized to enter into cooperative agreements with landowners of such rock art sites and expend appropriated funds for research, site protection, and interpretive programs. Research shall include the identification and mapping of rock art sites and the development of protection options.

Contracts.

SEC. 110. PETROGLYPH NATIONAL MONUMENT ADVISORY COMMISSION.

Establishment.

(a) There is hereby established the Petroglyph National Monument Advisory Commission (hereinafter in this title referred to as the "Commission"). The Commission shall be composed of eleven members appointed by the Secretary for terms of 5 years as follows:

(1) one member, who shall have professional expertise in history or archeology, appointed from recommendations submitted by the Governor of the State of New Mexico;

(2) one member, who shall have professional expertise in history or archeology, appointed from recommendations submitted by the mayor of the city of Albuquerque, New Mexico;

(3) one member, who shall have professional expertise in Indian history or ceremonial activities, appointed from recommendations submitted by the All Indian Pueblo Council;

(4) one member, who shall be a shareholder of the Westland Development Company, Incorporated;

(5) one member, who shall be an heir of the Atrisco Land Grant;

(6) one member, who shall be an affected landowner;

(7) one member, who shall have professional expertise in Indian rock art;

(8) one member, who shall have professional expertise in cultural anthropology;

(9) one member, who shall have professional expertise in geology;

(10) one member from the general public; and

(11) the Director of the National Park Service, or his or her designee, ex officio.

(b) Any member of the Commission may serve after the expiration of his or her term until a successor is appointed. A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(c) Members of the Commission shall serve without pay. While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5, United States Code.

(d) The Chair and other officers of the Commission shall be elected by a majority of the members of the Commission to serve for terms established by the Commission.

(e) The Commission shall meet at the call of the Chair or a majority of its members, but not less than twice annually. Six members of the Commission shall constitute a quorum. Consistent with the public meeting requirements of section 10 of the Federal Advisory Committee Act (5 U.S.C. App.), the Commission shall, from

time to time, meet with persons concerned with Indian history and historic preservation, and with other interested persons.

(f) The Commission may make such bylaws, rules, and regulations as it considers necessary to carry out its functions under this title. Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(g) The Commission shall advise the Secretary on the management and development of the monument, and on the preparation of the general management plan referred to in section 108(a). The Secretary, or his or her designee, shall from time to time, but at least semiannually, meet and consult with the Commission on matters relating to the management and development of the monument.

Termination  
date.

(h) The Commission shall cease to exist 10 years after the date of its first meeting.

#### SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

Reports.

There are authorized to be appropriated such sums as may be necessary for the purposes of this title. The Secretary shall prepare and submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives, concurrently with the submission to Congress of the President's proposed budget for the second fiscal year beginning after the date of enactment of this title, and every 5 years thereafter, a report on the status of the agreement referred to in section 104(a), its associated costs, and any proposed alterations to the agreement.