

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 698

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IN THE SENATE OF THE UNITED STATES

MAY 13 (legislative day, APRIL 19), 1993

Received; read twice and referred to the Committee on Energy and Natural  
Resources

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## AN ACT

To protect Lechuguilla Cave and other resources and values  
in and adjacent to Carlsbad Caverns National Park.

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, FINDING, AND DEFINITIONS.**

4       (a) **SHORT TITLE.**—This Act may be cited as the  
5       “Lechuguilla Cave Protection Act of 1993”.

1 (b) FINDING.—Congress finds and declares that  
2 Lechuguilla Cave and other significant cave resources of  
3 Carlsbad Caverns National Park and adjacent public lands  
4 in the cave protection area have internationally-significant  
5 scientific, environmental, and other values and should be  
6 retained in public ownership and protected against adverse  
7 effects of mineral exploration and development and other  
8 activities presenting threats to those values.

9 (c) DEFINITIONS.—As used in this Act—

10 (1) the term “the Secretary” means the Sec-  
11 retary of the Interior.

12 (2) the term “cave protection area” means the  
13 lands within the area depicted on the map referred  
14 to in section 2(b).

15 (3) except as otherwise specified in this Act, all  
16 other terms, including the term “public lands,” shall  
17 have the same meaning as such terms have in the  
18 Federal Land Policy and Management Act of 1976  
19 (43 U.S.C. 1701 et seq.).

20 **SEC. 2. LAND WITHDRAWAL.**

21 (a) WITHDRAWAL.—Subject to valid existing rights,  
22 the approximately 6,280 acres of public lands within the  
23 cave protection area, and all other lands within the bound-  
24 aries of the cave protection area which may hereafter be-  
25 come subject to the operation of the public land laws, are

1 hereby withdrawn from all forms of appropriation or dis-  
2 posal under the public land laws (including the mining and  
3 material disposal laws) and from the operation of the min-  
4 eral leasing and geothermal leasing laws.

5 (b) LAND DESCRIPTION.—The lands referred to in  
6 subsection (a) are the lands generally depicted on the map  
7 entitled “Lechuguilla Cave Protection Area” dated April  
8 1993 and filed in accordance with subsection (c).

9 (c) PUBLICATION, FILING, CORRECTION, AND IN-  
10 SPECTION.—

11 (1) As soon as possible after the date of enact-  
12 ment of this Act, the Secretary shall publish in the  
13 Federal Register a notice containing the legal de-  
14 scription of the lands withdrawn by subsection (a)  
15 and shall file such legal description and a detailed  
16 map of the lands referred to in such subsection with  
17 the Committee on Natural Resources of the House  
18 of Representatives and the Committee on Energy  
19 and Natural Resources of the Senate.

20 (2) The map and legal description referred to in  
21 paragraph (1) shall have the same force and effect  
22 as if included in this Act except that the Secretary  
23 may correct clerical and typographical errors in such  
24 map and legal description.

1           (3) Copies of the map and legal description re-  
2           ferred to in subsection (b) shall be available for pub-  
3           lic inspection in the offices of the Director and ap-  
4           propriate State Director of the Bureau of Land  
5           Management.

6           (d) MANAGEMENT.—The public lands withdrawn by  
7           this section shall be managed by the Secretary, through  
8           the Director of the Bureau of Land Management, pursu-  
9           ant to the Federal Land Policy and Management Act of  
10          1976 (43 U.S.C. 17901 et seq.) and other applicable law,  
11          including this Act.

12          **SEC. 3. MANAGEMENT OF EXISTING LEASES.**

13          (a) SUSPENSION OF NEW DRILLING.—(1)(A) Effec-  
14          tive on the date of enactment of this Act, the Secretary  
15          shall not permit any new drilling on or involving any valid  
16          mineral or geothermal leases within the lands withdrawn  
17          by section 2.

18          (B) If the Secretary deems it appropriate in order  
19          to prevent an adverse impact on Lechuguilla Cave or other  
20          significant cave resources of Carlsbad Caverns National  
21          Park and the lands within the cave protection area, the  
22          Secretary shall require suspension of any other activities  
23          with respect to such leases.

24          (2) The prohibition on new drilling imposed by para-  
25          graph (1) shall remain in effect until the effective date

1 of a record of decision regarding the proposal to drill ana-  
2 lyzed in the Dark Canyon Environmental Impact State-  
3 ment, or for 12 months after the date of enactment of  
4 this Act, whichever first occurs. Nothing in this subsection  
5 shall be construed as requiring the Secretary to permit  
6 or prohibit new drilling after such period.

7 (b) NEGOTIATIONS.—(1) During the period specified  
8 in subsection (a)(2), the Secretary shall seek the agree-  
9 ment of the holders of existing valid mineral or geothermal  
10 leases on the public lands withdrawn by section 2(a) for  
11 the termination of such leases or to such restrictions on  
12 activities on lands covered by such leases as the Secretary  
13 deems appropriate to protect Lechuguilla Cave and the  
14 other significant cave resources of Carlsbad Caverns Na-  
15 tional Park and the lands within the cave protection area.

16 (2)(A) With respect to any lease for which no agree-  
17 ment of the type described in paragraph (1) of this sub-  
18 section has been reached at the end of the period specified  
19 in subsection (a)(2), the Secretary shall take such steps  
20 as the Secretary deems appropriate in order to protect  
21 Lechuguilla Cave and the other significant cave resources  
22 of Carlsbad Caverns National Park and the lands within  
23 the cave protection area.

24 (B) The steps referred to in subparagraph (A) may  
25 include acquisition of the lands covered by such leases or

1 any interests therein. In the event of such acquisition, any  
2 lands or interests therein so acquired shall be managed  
3 pursuant to the Federal Land Policy and Management Act  
4 of 1976 and other applicable law, including this Act.

5 (3) To the extent the Secretary deems desirable, the  
6 Secretary shall seek the cooperation of the State of New  
7 Mexico and any other parties owning lands within the cave  
8 protection area with respect to such restrictions on the  
9 use of relevant lands owned by such parties as the Sec-  
10 retary may suggest in order to further the protection of  
11 Lechuguilla Cave and the other significant cave resources  
12 of Carlsbad Caverns National Park and the lands within  
13 the cave protection area.

14 **SEC. 4. ADDITIONAL PROTECTION AND RELATION TO**  
15 **OTHER LAWS.**

16 (a) **ADDITIONAL PROTECTION.**—(1) If on the basis  
17 of scientific analysis found by the Secretary to be relevant  
18 and credible, the Secretary deems it appropriate to take  
19 additional steps to protect Lechuguilla Cave or the other  
20 significant cave resources of Carlsbad Caverns National  
21 Park and the lands within the cave protection area, the  
22 Secretary, pursuant to the authority of the Federal Land  
23 Policy and Management Act of 1976 or other applicable  
24 law, shall take such steps.

1           (2) To the extent the Secretary finds appropriate in  
2 order to protect Lechuguilla Cave and the other significant  
3 cave resources of Carlsbad Caverns National Park or the  
4 lands within the cave protection area, the Secretary may  
5 limit or prohibit access to or across lands owned by the  
6 United States or prohibit the removal from such lands of  
7 any mineral, geological, or cave resources except as the  
8 Secretary may permit for scientific purposes.

9           (3) If the Secretary determines that existing law, in-  
10 cluding this Act, provides the Secretary insufficient au-  
11 thority to take any step the Secretary deems desirable in  
12 order to protect Lechuguilla Cave or other significant cave  
13 resources of Carlsbad Caverns National Park or the lands  
14 within the cave protection area, the Secretary shall inform  
15 the Committee on Natural Resources of the House of Rep-  
16 resentatives and the Committee on Energy and Natural  
17 Resources of the Senate concerning the additional author-  
18 ity the Secretary believes desirable.

19           (b) RELATION TO OTHER LAWS.—Nothing in this  
20 Act shall be construed as increasing or diminishing the  
21 ability of any party to seek compensation pursuant to  
22 other applicable law, including but not limited to the  
23 Tucker Act (28 U.S.C. 1491), or as precluding any de-  
24 fenses or claims otherwise available to the United States

1 in connection with any action seeking such compensation  
2 from the United States.

Passed the House of Representatives May 11, 1993.

Attest: DONNALD K. ANDERSON,  
*Clerk.*