

CONGRESSIONAL RECORD — SENATE S6789

June 29, 2006

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 3599. A bill to establish the Pre-historic Trackways National Monument in the State of New Mexico; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I am pleased to introduce legislation today to protect a site of worldwide scientific significance in the Robledo Mountains in New Mexico. The bill, which is cosponsored by my colleague from New Mexico, Senator DOMENICI, would create a national monument to preserve and allow for the continuing scientific investigation of a remarkable “megatracksite” of 280,000,000 year-old fossils and trackways.

The vast tidal mudflats that made up much of modern New Mexico 60 million years before the first dinosaurs preserved the marks of some of the earliest life on our planet to make its way out of the ocean. The fossil record of this time is scattered throughout New Mexico but, until this discovery, there were few places where the range of life and their interactions with each other could be studied.

Las Cruces resident and paleontologist Jerry MacDonald first brought the find to light in 1988 when he revealed that there was far more to be found in the Robledos than the occasional fossil that local residents had been seeing for years. The trackways he hauled out on his back, some over 20 feet long, showed that there was a great deal of useful information buried in the rock there. The trackways include footprints of numerous amphibians, reptiles, and insects, including previously unknown species. These trackways help complete the puzzle of how these ancient creatures lived in a way that we cannot understand from only studying their fossilized bones.

Senator DOMENICI and Representative Skeen joined me in sponsoring legislation, passed in 1990, to protect the area and study its significance. In 1994, the Bureau of Land Management, along with scientists from the New Mexico Museum of Natural History & Science, the University of Colorado, and the Smithsonian Institution, completed their study and documented the importance of the find. Particularly owing to the quality of the specimens and the wide range of animals that had left their imprint there, the study found that the site was of immense scientific value. The study concluded, in part, “[t]he diversity, abundance and quality of the tracks in the Robledo Mountains is far greater than at any other known tracksite or aggregation of tracksites.” The study also described the site as containing “the most scientifically significant Early Permian tracksites” in the world. However, despite the recognition of the significance of the site, it has remained essentially unprotected, and many of the trackways and fossils have been lost or damaged. This bill would take the next logical step to follow up from these efforts and set in place permanent protections and allow for scientific investigation of these remarkable resources.

In addition to permanently protecting the fossils, the bill would authorize the continuation of existing uses in the area, such as motorized recreation, as long as the trackway resources aren’t harmed. The bill would also help ensure that local residents get the opportunity to see these unique specimens and participate in their curation. This should provide a unique scientific and educational opportunity to Las Cruces and the

surrounding community.

I look forward to working with my colleagues to protect these important resources and allow for their continuing contribution to our understanding of life on the ancient Earth.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3599

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Prehistoric Trackways National Monument Establishment Act”.

SEC. 2. DEFINITIONS.

In this Act:

- (1) MONUMENT.—The term “Monument” means the Prehistoric Trackways National Monument established by section 4(a).
- (2) PUBLIC LAND.—The term “public land” has the meaning given the term “public lands” in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).
- (3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 3. FINDINGS.

Congress finds that—

- (1) in 1987, a major deposit of Paleozoic Era fossilized footprint megatracks was discovered in the Robledo Mountains in southern New Mexico;
- (2) the tracks contain footprints of numerous amphibians, reptiles, and insects (including previously unknown species), plants, and petrified wood dating back approximately 280,000,000 years, which collectively provide new opportunities to understand animal behaviors and environments from a time predating the dinosaurs;
- (3) title III of Public Law 101–578 (104 Stat. 2860)—
 - (A) provided interim protection for the site at which the tracks were discovered; and
 - (B) directed the Secretary of the Interior to—
 - (i) prepare a study assessing the significance of the site; and
 - (ii) based on the study, provide recommendations for protection of the paleontological resources at the site;
- (4) the Bureau of Land Management completed the Paleozoic Tracks Scientific Study Report in 1994, which characterized the site as containing “the most scientifically significant Early Permian tracksites” in the world;
- (5) despite the conclusion of the study and the recommendations for protection, the site remains unprotected and many irreplaceable tracks specimens have been lost to vandalism or theft; and
- (6) designation of the tracks site as a National Monument would protect the unique fossil resources for present and future generations while allowing for public education and continued scientific research opportunities.

SEC. 4. ESTABLISHMENT.

- (a) **IN GENERAL.**—In order to conserve, protect, and enhance the unique and nationally important paleontological, scientific, educational, scenic, and recreational resources and values of the public land described in subsection (b), there is established the Prehistoric Trackways National Monument in the State of New Mexico.
- (b) **DESCRIPTION OF LAND.**—The Monument shall consist of approximately 5,367 acres of public land in Doña Ana County, New Mexico, as generally depicted on the map entitled “Prehistoric Trackways National Monument” and dated June 1, 2006.
- (c) **MAP; LEGAL DESCRIPTION.**—
 - (1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare and submit to Congress an official map and legal description of the Monument.
 - (2) **CORRECTIONS.**—The map and legal description submitted under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct any clerical or typographical errors in the legal description and the map.
 - (3) **CONFLICT BETWEEN MAP AND LEGAL DE-SCRIPTION.**—In the case of a conflict between the map and the legal description, the map shall control.
 - (4) **AVAILABILITY OF MAP AND LEGAL DE-SCRIPTION.**—Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.
- (d) **MINOR BOUNDARY ADJUSTMENTS.**—If additional paleontological resources are discovered on public land adjacent to the Monument after the date of enactment of this Act, the Secretary may make minor boundary adjustments to the Monument to include the resources in the Monument.

SEC. 5. ADMINISTRATION.

- (a) **MANAGEMENT.**—
 - (1) **IN GENERAL.**—The Secretary shall manage the Monument—
 - (A) in a manner that conserves, protects, and enhances the resources and values of the Monument, including the resources and values described in section 4(a); and
 - (B) in accordance with—
 - (i) this Act;
 - (ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and
 - (iii) other applicable laws.
 - (2) **NATIONAL LANDSCAPE CONSERVATION SYSTEM.**—The Monument shall be managed as a component of the National Landscape Conservation System.
 - (3) **PROTECTION OF RESOURCES AND VALUES.**—The Secretary shall manage public land adjacent to the Monument in a manner that is consistent

with the protection of the resources and values of the Monument.

(b) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term protection and management of the Monument.

(2) **COMPONENTS.**—The management plan under paragraph (1)—

(A) shall—

- (i) describe the appropriate uses and management of the Monument, consistent with the provisions of this Act; and
- (ii) allow for continued scientific research at the Monument during the development of the management plan; and

(B) may—

- (i) incorporate any appropriate decisions contained in any current management or activity plan for the land described in section 4(b); and
- (ii) use information developed in studies of any land within or adjacent to the Monument that were conducted before the date of enactment of this Act.

(c) **AUTHORIZED USES.**—The Secretary shall only allow uses of the Monument that the Secretary determines would further the purposes for which the Monument has been established.

(d) **INTERPRETATION, EDUCATION, AND SCIENTIFIC RESEARCH.**—

(1) **IN GENERAL.**—The Secretary shall provide for public interpretation of, and education and scientific research on, the paleontological resources of the Monument, with priority given to exhibiting and curating the resources in Doña Ana County, New Mexico.

(2) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with appropriate public entities to carry out paragraph (1).

(e) **SPECIAL MANAGEMENT AREAS.**—

(1) **IN GENERAL.**—The establishment of the Monument shall not change the management status of any area within the boundary of the Monument that is—

(A) designated as a wilderness study area and managed in accordance with section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); or

(B) managed as an area of critical environment concern.

(2) **CONFLICT OF LAWS.**—If there is a conflict between the laws applicable to the areas described in paragraph (1) and this Act, the more restrictive provision shall control.

(f) **MOTORIZED VEHICLES.**—

(1) **IN GENERAL.**—Except as needed for administrative purposes or to respond to an emergency, the use of motorized vehicles in the Monument shall be allowed only on roads and trails designated for use by motorized vehicles under the management plan prepared under subsection (b).

(2) **PERMITTED EVENTS.**—The Secretary may issue permits for special

recreation events involving motorized vehicles within the boundaries of the Monument, including the “Chile Challenge”—

- (A) to the extent the events do not harm paleontological resources; and
- (B) subject to any terms and conditions that the Secretary determines to be necessary.

- (g) WITHDRAWALS.—Subject to valid existing rights, any Federal land within the Monument and any land or interest in land that is acquired by the United States for inclusion in the Monument after the date of enactment of this Act are withdrawn from—
 - (1) 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 laws, geothermal leasing laws, and minerals materials laws.
- (h) GRAZING.—The Secretary may allow grazing to continue in any area of the Monument in which grazing is allowed before the date of enactment of this Act, subject to applicable laws (including regulations).
- (i) HUNTING.—
 - (1) IN GENERAL.—Nothing in this Act diminishes the jurisdiction of the State of New Mexico with respect to fish and wildlife management, including regulation of hunting on public land within the Monument.
 - (2) REGULATIONS.—The Secretary, after consultation with the New Mexico Department of Game and Fish, may issue regulations designating zones in which and establishing periods during which hunting shall not be allowed for reasons of public safety, administration, or public use and enjoyment.
- (j) WATER RIGHTS.—Nothing in this Act constitutes an express or implied reservation by the United States of any water or water rights with respect to the Monument.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

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

Mr. DOMENICI. Mr. President, the fossilized trackways near the Robledo Mountains in Dona Ana County came to my attention in the early 1990s. During the 101st Congress, I cosponsored Senator BINGAMAN’s legislation that directed the Bureau of Land Management to study and report on the prehistoric sites.

I understand the very difficult challenge we face in managing our public lands in a responsible and environmentally sensitive manner. I believe our Federal lands are truly National treasures that demand our most thoughtful management. Local leaders, special interest groups, multiple users, New Mexico State University, and the Bureau of Land Management, BLM, have identified numerous land issues in the Las Cruces area that need to be addressed. The trackways are but one of these issues that can and should be addressed in the context of a broader lands bill. I believe that introduction of comprehensive or omnibus legislation is a preferable approach, rather than the introduction of individual bills to deal each separate issue.

I support the intent of this bill, as the trackways are remarkable artifacts that need and deserve protection. While I am very supportive of the overall goal to protect these

prehistoric trackway sites, there are several particulars in this bill that I do not fully embrace and on which I want to continue to work with Senator BINGAMAN, such as ensuring that we authorize all uses in the area that are not inconsistent with the purposes of the bill, and reworking the section regarding BLM authority with respect to hunting activities. As we work through the committee process, I look forward to working with Senator BINGAMAN to accomplish the objective of protecting the prehistoric trackway sites, while at the same time addressing some of the broader Federal land issues that need to be addressed in Dona Ana County.