TITLE 16 - CONSERVATION
CHAPTER 2 - NATIONAL FORESTS
SUBCHAPTER I - ESTABLISHMENT AND ADMINISTRATION

§ 539m–1. Definitions

In sections 539m to 539m–12 of this title:

(1) Area

(A) In general

The term “Area” means the T’uf Shur Bien Preservation Trust Area, comprised of approximately 9890 acres of land in the Cibola National Forest, as depicted on the map.

(B) Exclusions

The term “Area” does not include—

(i) the subdivisions;
(ii) Pueblo-owned land;
(iii) the crest facilities; or
(iv) the special use permit area.

(2) Crest facilities

The term “crest facilities” means—

(A) all facilities and developments located on the crest of Sandia Mountain, including the Sandia Crest Electronic Site;
(B) electronic site access roads;
(C) the Crest House;
(D) the upper terminal, restaurant, and related facilities of Sandia Peak Tram Company;
(E) the Crest Observation Area;
(F) parking lots;
(G) restrooms;
(H) the Crest Trail (Trail No. 130);
(I) hang glider launch sites;
(J) the Kiwanis cabin; and
(K) the land on which the facilities described in subparagraphs (A) through (J) are located and the land extending 100 feet along terrain to the west of each such facility, unless a different distance is agreed to in writing by the Secretary and the Pueblo and documented in the survey of the Area.

(3) Existing use

The term “existing use” means a use that—

(A) is occurring in the Area as of February 20, 2003; or
(B) is authorized in the Area after November 1, 1995, but before February 20, 2003.

(4) La Luz tract

The term “La Luz tract” means the tract comprised of approximately 31 acres of land owned in fee by the Pueblo and depicted on the map.

(5) Local public body

The term “local public body” means a political subdivision of the State of New Mexico (as defined in New Mexico Code 6–5–1).

(6) Map
The term “map” means the Forest Service map entitled “T’uf Shur Bien Preservation Trust Area” and dated April 2000.

(7) Modified use

(A) In general

The term “modified use” means an existing use that, at any time after February 20, 2003, is modified or reconfigured but not significantly expanded.

(B) Inclusions

The term “modified use” includes—

(i) a trail or trailhead being modified, such as to accommodate handicapped access;
(ii) a parking area being reconfigured (but not expanded); and
(iii) a special use authorization for a group recreation use being authorized for a different use area or time period.

(8) New use

(A) In general

The term “new use” means—

(i) a use that is not occurring in the Area as of February 20, 2003; and
(ii) an existing use that is being modified so as to be significantly expanded or altered in scope, dimension, or impact on the land, water, air, or wildlife resources of the Area.

(B) Exclusions

The term “new use” does not include a use that—

(i) is categorically excluded from documentation requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or
(ii) is carried out to comply with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(9) Piedra Lisa tract

The term “Piedra Lisa tract” means the tract comprised of approximately 160 acres of land owned by the Pueblo and depicted on the map.

(10) Pueblo

The term “Pueblo” means the Pueblo of Sandia in its governmental capacity.

(11) Secretary

The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(12) Settlement Agreement

The term “Settlement Agreement” means the Agreement of Compromise and Settlement dated April 4, 2000, among the United States, the Pueblo, and the Sandia Peak Tram Company.

(13) Special use permit

The term “special use permit” means the Special Use Permit issued December 1, 1993, by the Secretary to Sandia Peak Tram Company and Sandia Peak Ski Company.

(14) Special use permit area

(A) In general

The term “special use permit area” means the land and facilities subject to the special use permit.

(B) Inclusions

The term “special use permit area” includes—

(i) approximately 46 acres of land used as an aerial tramway corridor;
(ii) approximately 945 acres of land used as a ski area; and
(iii) the land and facilities described in Exhibit A to the special use permit, including—

(I) the maintenance road to the lower tram tower;

(II) water storage and water distribution facilities; and

(III) 7 helispots.

(15) Subdivision

The term “subdivision” means—

(A) the subdivision of—

(i) Sandia Heights Addition;

(ii) Sandia Heights North Unit I, II, or 3;

(iii) Tierra Monte;

(iv) Valley View Acres; or

(v) Evergreen Hills; and

(B) any additional plat or privately-owned property depicted on the map.

(16) Traditional or cultural use

The term “traditional or cultural use” means—

(A) a ceremonial activity (including the placing of ceremonial materials in the Area); and

(B) the use, hunting, trapping, or gathering of plants, animals, wood, water, and other natural resources for a noncommercial purpose.


References in Text

Sections 539m to 539m–12 of this title, referred to in text, was in the original “this title”, meaning title IV of div. F of Pub. L. 108–7, Feb. 20, 2003, 117 Stat. 279, which is classified generally to sections 539m to 539m–12 of this title. For complete classification of title IV to the Code, see Short Title note set out under section 539m of this title and Tables.
