

SAN RAFAEL SWELL NATIONAL HERITAGE AND
CONSERVATION ACT

AUGUST 7, 1998.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 3625]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3625) to establish the San Rafael Swell National Heritage Area and the San Rafael Swell National Conservation Area in the State of Utah, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “San Rafael Swell National Heritage and Conservation Act”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.

TITLE I—SAN RAFAEL SWELL NATIONAL HERITAGE AREA

- Sec. 101. Short title; findings; purposes.
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- Sec. 103. Definitions.
- Sec. 104. Grants, technical assistance, and other duties and authorities of Federal agencies.
- Sec. 105. Compact and heritage plan.
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TITLE II—SAN RAFAEL SWELL NATIONAL CONSERVATION AREA

Subtitle A—Establishment of Conservation Area

- Sec. 201. Definition of plan.
- Sec. 202. Establishment of national conservation area.
- Sec. 203. Management.
- Sec. 204. Additions.
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- Sec. 206. Relationship to other laws and administrative provisions.
- Sec. 207. Communications equipment.

Subtitle B—Wilderness Areas Within Conservation Area

- Sec. 221. Designation of wilderness.
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- Sec. 223. Livestock.
- Sec. 224. Wilderness release.

Subtitle C—Other Special Management Areas

- Sec. 231. San Rafael Swell Desert Bighorn Sheep Management Area.
- Sec. 232. Semi-primitive nonmotorized use areas.
- Sec. 233. Scenic visual area of critical environmental concern.

TITLE III—GENERAL MANAGEMENT PROVISIONS

- Sec. 301. Livestock grazing.
- Sec. 302. Cultural and paleontological resources.
- Sec. 303. Land exchanges relating to school and institutional trust lands.
- Sec. 304. Water rights.
- Sec. 305. Miscellaneous.

SEC. 3. DEFINITIONS.

In this Act:

- (1) **ADVISORY COUNCIL.**—The term “Advisory Council” means the San Rafael Swell National Conservation Area Advisory Council established under section 205.
- (2) **CONSERVATION AREA.**—The term “conservation area” means the San Rafael Swell National Conservation Area established by section 202.
- (3) **DIRECTOR.**—The term “Director” means the Director of the Bureau of Land Management.
- (4) **NATIONAL HERITAGE AREA.**—The term “national heritage area” means the San Rafael Swell National Heritage Area established by section 103.
- (5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.
- (6) **SEMI-PRIMITIVE AREA.**—The term “semi-primitive area” means any area designated as a semi-primitive nonmotorized use area under section 232.

TITLE I—SAN RAFAEL SWELL NATIONAL HERITAGE AREA

SEC. 101. SHORT TITLE; FINDINGS; PURPOSES.

(a) **SHORT TITLE.**—This title may be cited as the “San Rafael Swell National Heritage Area Act”.

(b) **FINDINGS.**—Congress finds the following:

- (1) The history of the American West is one of the most significant chapters of United States history, and the major themes and images of the history of the American West provide a legacy that has done much to shape the contemporary culture, attitudes, and values of the American West and the United States.
- (2) The San Rafael Swell region of the State of Utah was one of the country’s last frontiers and possesses important historical, cultural, and natural resources that are representative of the central themes associated with the history of the American West, including themes of pre-Columbian and Native American culture, exploration, pioneering, settlement, ranching, outlaws, prospecting and mining, water development and irrigation, railroad building, industrial development, and the utilization and conservation of natural resources.
- (3) The San Rafael Swell region contains important historical sites, including sections of the Old Spanish Trail, the Outlaw Trail, the Green River Crossing, and numerous sites associated with cowboy, pioneer, and mining history.

(4) The heritage of the San Rafael Swell region includes the activities of many prominent historical figures of the old American West, such as Chief Walker, John Wesley Powell, Kit Carson, John C. Fremont, John W. Gunnison, Butch Cassidy, John W. Taylor, and the Swasey brothers.

(5) The San Rafael Swell region has a notable history of coal and uranium mining, and a rich cultural heritage of activities associated with mining, such as prospecting, railroad building, immigrant workers, coal camps, labor union movements, and mining disasters.

(6) The San Rafael Swell region is widely recognized for its significant paleontological resources and dinosaur bone quarries, including the Cleveland Lloyd Dinosaur Quarry which was designated as a National Natural Landmark in 1966.

(7) The beautiful rural landscapes, historic and cultural landscapes, and spectacular scenic vistas of the San Rafael Swell region contain significant undeveloped recreational opportunities for people throughout the United States.

(8) Museums and visitor centers have already been constructed in the San Rafael Swell region, including the John Wesley Powell River History Museum, the College of Eastern Utah Prehistoric Museum, the Museum of the San Rafael, the Western Mining and Railroad Museum, the Emery County Pioneer Museum, and the Cleveland Lloyd Dinosaur Quarry, and these museums are available to interpret the themes of the national heritage area established by this title and to coordinate the interpretive and preservation activities of the area.

(9) Despite the efforts of the State of Utah, political subdivisions of the State, volunteer organizations, and private businesses, the cultural, historical, natural, and recreational resources of the San Rafael Swell region have not realized their full potential and may be lost without assistance from the Federal Government.

(10) Many of the historical, cultural, and scientific sites of the San Rafael Swell region are located on lands owned by the Federal Government and are managed by the Bureau of Land Management or the United States Forest Service.

(11) The preservation of the cultural, historical, natural, and recreational resources of the San Rafael Swell region within a regional framework requires cooperation among local property owners and Federal, State, and local government entities.

(12) Partnerships between Federal, State, and local governments, local and regional entities of these governments, and the private sector offer the most effective opportunities for the enhancement and management of the cultural, historical, natural, and recreational resources of the San Rafael Swell region.

(c) **PURPOSES.**—The purposes of this title are—

(1) to establish the San Rafael Swell National Heritage Area to promote the preservation, conservation, interpretation, and development of the historical, cultural, natural, and recreational resources related to the historical, cultural, and industrial heritage of the San Rafael Swell region of the State of Utah, which includes the counties of Carbon and Emery, and portions of the county of Sanpete;

(2) to encourage within the national heritage area a broad range of economic and recreational opportunities to enhance the quality of life for present and future generations;

(3) to assist the State of Utah, political subdivisions of the State and their local and regional entities, and nonprofit organizations, or combinations thereof, in preparing and implementing a heritage plan for the national heritage area and in developing policies and programs that will preserve, enhance, and interpret the cultural, historical, natural, recreational, and scenic resources of the heritage area; and

(4) to authorize the Secretary of the Interior to provide financial assistance and technical assistance to support the preparation and implementation of the heritage plan for the national heritage area.

SEC. 102. DESIGNATION.

There is hereby designated the San Rafael Swell National Heritage Area.

SEC. 103. DEFINITIONS.

For purposes of this title:

(1) **COMPACT.**—The term “compact” means an agreement described in section 105(a).

(2) **FINANCIAL ASSISTANCE.**—The term “financial assistance” means funds appropriated by the Congress and made available to the Heritage Council for the purposes of preparing and implementing a heritage plan.

(3) **HERITAGE AREA.**—The term “Heritage Area” means the San Rafael Swell National Heritage Area established by this title.

(4) **HERITAGE PLAN.**—The term “heritage plan” means a plan described in section 105(b).

(5) **HERITAGE COUNCIL.**—The term “Heritage Council” means the entity designated in the compact for a National Heritage Area and described in section 106(a).

(6) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(7) **TECHNICAL ASSISTANCE.**—The term “technical assistance” includes—

(A) assistance by the Secretary in the preparation of any heritage plan, compact, or resource inventory; and

(B) professional guidance provided by the Secretary.

(8) **UNIT OF GOVERNMENT.**—The term “unit of government” means the government of a State, a political subdivision of a State, or an Indian tribe.

SEC. 104. GRANTS, TECHNICAL ASSISTANCE, AND OTHER DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) **GRANTS.**—

(1) **IN GENERAL.**—The Secretary may make grants for the purposes of this title to any unit of government or to the Heritage Council.

(2) **PERMITTED AND PROHIBITED USES OF GRANTS.**—

(A) **PERMITTED USES.**—Grants made under this section may be used for reports, studies, interpretive exhibits, historic preservation projects, construction of cultural, recreational, and interpretive facilities that are open to the public, and such other expenditures as are consistent with this title.

(B) **PROHIBITED USES.**—Grants made under this section may not be used for acquisition of real property or any interest in real property.

(3) **APPLICABILITY OF RESTRICTIONS TO SUBGRANTS.**—For purposes of paragraph (2), any subgrant made from funds received as a grant (or subgrant) made under this section shall be treated as a grant made under this section.

(4) **PROTECTION OF FEDERAL INVESTMENT.**—Any grant made under this section shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this title, as determined by the Secretary, shall result in a right of the United States to compensation equal to the greater of—

(A) all Federal funds made available to such project under this title; or

(B) the proportion of the increased value of the project attributable to such funds, as determined at the time of such conversion, use, or disposal.

(b) **TECHNICAL ASSISTANCE.**—The Secretary may provide technical assistance with respect to this title.

(c) **DURATION OF ELIGIBILITY FOR GRANTS AND TECHNICAL ASSISTANCE.**—The Secretary may not provide any grant, and may provide only limited technical assistance, under this title after the expiration of the 10-year period beginning on the date of the designation of the National Heritage Area.

(d) **DISQUALIFICATION FOR FEDERAL FUNDING.**—If a heritage plan meeting the requirements of section 105(b) is not forwarded to the Secretary as required under section 106(b)(1) within the time specified in section 106(b)(1), the Secretary may not, after such time, provide technical assistance or grants under this title until such a heritage plan for the National Heritage Area is developed and forwarded to the Secretary.

(e) **OTHER DUTIES AND AUTHORITIES OF SECRETARY.**—

(1) **SIGNING OF COMPACT.**—The Secretary shall sign or withhold signature on any proposed compact submitted under this title not later than 90 days after receiving the proposed compact. If the Secretary withholds signature on the proposed compact, the Secretary shall advise the submitter, in writing, of the reasons. The Secretary shall sign or withhold signature on each proposed revision to the proposed compact not later than 90 days after receiving the proposed revision. A submitter shall hold a public meeting in the immediate vicinity of the proposed National Heritage Area before making any major revisions in any proposed compact submitted under this title.

(2) **MONITORING OF NATIONAL HERITAGE AREA.**—The Secretary shall monitor the National Heritage Area. Monitoring of the National Heritage Area shall include monitoring to ensure compliance with the terms of the compact for the area.

(f) DUTIES OF FEDERAL ENTITIES.—Any Federal entity conducting or supporting activities within the National Heritage Area, and any unit of government acting pursuant to a grant of Federal funds or a Federal permit or agreement and conducting or supporting such activities, shall, to the maximum extent practicable—

(1) consult with the Secretary and the Heritage Council for the National Heritage Area with respect to such activities; and

(2) cooperate with the Secretary and the Heritage Council in the carrying out of the duties of the Secretary and the Heritage Council under this title, and coordinate such activities to minimize any real or potential adverse impact on the National Heritage Area.

(g) PROHIBITION OF CERTAIN REQUIREMENTS.—The Secretary may not, as a condition of the award of technical assistance or financial assistance under this section, require any recipient of such assistance to enact or modify land use restrictions.

SEC. 105. COMPACT AND HERITAGE PLAN.

(a) COMPACT.—

(1) IN GENERAL.—The compact submitted under this title with respect to the National Heritage Area shall consist of an agreement entered into by the Secretary, the Secretary of Agriculture, and the Governor of Utah or a designee of the Governor, in coordination with the Heritage Council. Such agreement shall define the area, describe anticipated programs for the area, and include information relating to the objectives and management of the area. Such information shall include, but need not be limited to, each of the following:

(A) BOUNDARIES.—A delineation of the boundaries of the National Heritage Area. Such boundaries shall include the land generally depicted on the map entitled San Rafael Swell National Heritage-Conservation Area Proposed, dated June 12, 1998, which shall be on file and available for public inspection in the office of the Director of the Bureau of Land Management.

(B) MANAGEMENT ENTITY.—An identification and description of the Heritage Council.

(C) NON-FEDERAL PARTICIPANTS.—A list of the initial participants to be involved in developing and implementing the heritage plan and a statement of the financial commitment of those participants.

(D) GOALS, OBJECTIVES, AND CONCEPTUAL FRAMEWORK.—A discussion of the goals, objectives, and cost of the National Heritage Area, including an explanation of—

(i) the conceptual framework, proposed by the partners referred to in subparagraph (C), for development and implementation of the heritage plan for the National Heritage Area; and

(ii) the costs associated with the conceptual framework.

(E) ROLE OF STATE.—A description of the role of the State of Utah.

(2) CONSISTENCY WITH ECONOMIC VIABILITY.—The compact submitted under this title shall be consistent with continued economic viability in the communities within the National Heritage Area.

(3) INITIATION OF ACTIONS.—Actions called for in the compact shall be initiated within a reasonable time after designation of the National Heritage Area and shall ensure effective implementation of the State and local aspects of the compact.

(b) HERITAGE PLAN.—

(1) IN GENERAL.—The heritage plan forwarded to the Secretary under this title shall be a plan which sets forth the strategy to implement the goals and objectives of the National Heritage Area. The heritage plan shall—

(A) present comprehensive recommendations for the conservation, funding, management, and development of the area;

(B) be prepared with public participation;

(C) take into consideration existing Federal, State, county, and local plans and involve residents, private property owners, public agencies, and private organizations in the area;

(D) include a description of actions that units of government and private organizations could take to protect the resources of the area; and

(E) specify existing and potential sources of funding for the conservation, management, and development of the area.

(2) ADDITIONAL INFORMATION.—The heritage plan forwarded to the Secretary under this title also shall include the following, as appropriate:

(A) INVENTORY OF RESOURCES.—An inventory of important natural, cultural, or historic resources which illustrate the themes of the National Heritage Area.

(B) RECOMMENDATIONS FOR MANAGEMENT.—A recommendation of policies for management of the historical, cultural, and natural resources and the recreational and educational opportunities of the area in a manner consistent with the support of appropriate and compatible economic viability.

(C) PROGRAM AND COMMITMENTS.—A program for implementation of the heritage plan by the Heritage Council and specific commitments, for the first 5 years of operation of the heritage plan, by the partners identified in the compact.

(D) ANALYSIS OF COORDINATION.—An analysis of means by which Federal, State, and local programs may best be coordinated to promote the purposes of this title.

(E) INTERPRETIVE PLAN.—An interpretive plan for the National Heritage Area.

(3) RELATIONSHIP TO CONSERVATION AREA MANAGEMENT PLAN.—The heritage plan and the conservation area management plan shall not be inconsistent. However, nothing in the heritage plan may supersede the management plan for the conservation area under section 203, with respect to the application of the management plan to the conservation area.

SEC. 106. HERITAGE COUNCIL.

(a) IN GENERAL.—The management entity for the National Heritage Area shall be known as the “Heritage Council”. The Heritage Council shall be an entity that reflects a broad cross-section of interests within the National Heritage Area and shall include—

- (1) at least 1 representative of one or more units of government in the State of Utah;
- (2) representatives of interested or affected groups; and
- (3) private property owners who reside within the National Heritage Area.

(b) DUTIES.—The Heritage Council shall fulfill each of the following requirements:

(1) HERITAGE PLAN.—Not later than 3 years after the date of the designation of the National Heritage Area, the Heritage Council shall develop and forward to the Secretary and to the Governor of Utah a heritage plan in accordance with the compact under subsection (a).

(2) PRIORITIES.—The Heritage Council shall give priority to the implementation of actions, goals, and policies set forth in the compact and heritage plan for the National Heritage Area, including assisting units of government and others in—

(A) carrying out programs which recognize important resource values within the National Heritage Area;

(B) encouraging economic viability in the affected communities;

(C) establishing and maintaining interpretive exhibits in the area;

(D) developing recreational and educational opportunities in the area;

(E) increasing public awareness of and appreciation for the natural, historical, and cultural resources of the area;

(F) restoring historic buildings that are located within the boundaries of the area and relate to the theme of the area; and

(G) ensuring that clear, consistent, and appropriate signs identifying public access points and sites of interest are put in place throughout the area.

(3) CONSIDERATION OF INTERESTS OF LOCAL GROUPS.—The Heritage Council shall, in developing and implementing the heritage plan for the National Heritage Area, consider the interests of diverse units of government, businesses, private property owners, and nonprofit groups within the geographic area.

(4) PUBLIC MEETINGS.—The Heritage Council shall conduct public meetings at least annually regarding the implementation of the heritage plan for the National Heritage Area. The Heritage Council shall place a notice of each such meeting in a newspaper of general circulation in the area and shall make the minutes of the meeting available to the public.

SEC. 107. LACK OF EFFECT ON LAND USE REGULATION.

(a) LACK OF EFFECT ON AUTHORITY OF GOVERNMENTS.—Nothing in this title shall be construed to modify, enlarge, or diminish any authority of Federal, State, and local governments to regulate any use of land as provided for by law or regulation.

(b) LACK OF ZONING OR LAND USE POWERS OF ENTITY.—Nothing in this title shall be construed to grant powers of zoning or land use to the management entity for the National Heritage Area.

(c) BLM AUTHORITY.—

(1) IN GENERAL.—Nothing in this title shall be construed to modify, enlarge, or diminish the authority of the Secretary or the Bureau of Land Management with respect to lands under the administrative jurisdiction of the Bureau.

(2) COOPERATION.—In carrying out this title, the Secretary shall work cooperatively under the Federal Land Policy and Management Act of 1976 with the Forest Service, the Heritage Council under section 106, State and local governments, and private entities.

SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for grants made and technical assistance provided under subsections (a) and (b), respectively, of section 104, and the administration of such grants and assistance, not more than \$1,000,000 annually, to remain available until expended.

(b) ANNUAL ALLOCATION FOR GRANTS.—In any fiscal year, not less than 70 percent of the funds obligated under this title shall be used for grants made under section 104(a).

(c) LIMITATION ON PERCENT OF COST.—

(1) IN GENERAL.—Federal funding provided under this title, after the designation of the National Heritage Area, for any technical assistance or grant with respect to the area may not exceed 50 percent of the total cost of the assistance or grant. Federal funding provided under this title with respect to an area before the designation of the area as the National Heritage Area may not exceed an amount proportionate to the level of local support of and commitment to the designation of the area.

(2) TREATMENT OF DONATIONS.—The value of property or services donated by non-Federal sources and used for management of the National Heritage Area shall be treated as non-Federal funding for purposes of paragraph (1).

(d) LIMITATION ON TOTAL FUNDING.—Not more than a total of \$10,000,000 may be made available under this section with respect to the National Heritage Area.

(e) ALLOCATION OF APPROPRIATIONS.—Notwithstanding any other provision of law, no funds appropriated or otherwise made available to the Secretary to carry out this title—

(1) may be obligated or expended by any person unless the appropriation of such funds has been allocated in the manner prescribed by this title; or

(2) may be obligated or expended by any person in excess of the amount prescribed by this title.

TITLE II—SAN RAFAEL SWELL NATIONAL CONSERVATION AREA

Subtitle A—Establishment of Conservation Area

SEC. 201. DEFINITION OF PLAN.

In this title, the term “plan” means the comprehensive management plan developed for the national conservation area under section 203, including such revisions thereto as may be required in order to implement this title.

SEC. 202. ESTABLISHMENT OF NATIONAL CONSERVATION AREA.

(a) ESTABLISHMENT.—In order to preserve and maintain heritage, tourism, recreational, historical, scenic, archaeological, paleontological, biological, cultural, scientific, educational, and economic resources, there is hereby established the San Rafael Swell National Conservation Area.

(b) AREA INCLUDED.—The conservation area shall consist of all public lands within the exterior boundaries of the conservation area, comprised of approximately 630,000 acres, as generally depicted on the map entitled “San Rafael Swell National Heritage/Conservation Area Proposed”, dated June 12, 1998, including areas depicted within those boundaries on that map as “Proposed Wilderness”, “Proposed Bighorn Sheep Management Area”, “Scenic Visual Area of Critical Environmental Concern”, and “Semi-Primitive Non-Motorized Use Areas”.

(c) MAP AND LEGAL DESCRIPTION.—As soon as is practicable after enactment of this Act, the map referred to in subsection (b) and a legal description of the conservation area shall be filed by the Secretary with the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. Such map and description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such map and legal description. Such map and description shall be on file and available for public inspection in the office of the Director and the Utah State Director of the Bureau of Land Management of the Department of the Interior.

(d) **WITHDRAWALS.**—Subject to valid existing rights, the Federal lands within the conservation area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; and from entry, application, and selection under the Act of March 3, 1877 (Ch. 107, 19 Stat. 377, 43 U.S.C. 321 et seq.; commonly referred to as the “Desert Lands Act”), section 4 of the Act of August 18, 1894 (Ch. 301, 28 Stat. 422; 43 U.S.C. 641; commonly referred to as the “Carey Act”), section 2275 of the Revised Statutes, as amended (43 U.S.C. 851), and section 2276 of the Revised Statutes (43 U.S.C. 852). The Secretary shall return to the applicants any such applications pending on the date of enactment of this Act, without further action. Subject to valid existing rights, as of the date of enactment of this Act, lands within the conservation area are withdrawn from location under the general mining laws, the operation of the mineral and geothermal leasing laws, and the mineral material disposal laws, except that mineral materials subject to disposal may be made available from existing sites to the extent compatible with the purposes for which the conservation area is established.

(e) **CLOSURE TO FORESTRY.**—The Secretary shall prohibit all commercial sale of trees, portions of trees, and forest products located in the conservation area.

SEC. 203. MANAGEMENT.

(a) **IN GENERAL.**—The Secretary shall, in consultation with the Advisory Council and subject to valid existing rights, manage the conservation area to conserve, protect, and enhance the resources of the conservation area referred to in section 202(a), the Federal Land Policy and Management Act of 1976, and other applicable laws.

(b) **USES.**—The Secretary shall allow such uses of the conservation area as are specified in the management plan developed under subsection (b) and that the Secretary finds will further the conservation, protection, enhancement, public use, and enjoyment of the resource values referred to in section 202(a). Except when needed for administrative and emergency purposes, the uses of motorized vehicles in the conservation area shall be permitted only on roads and trails specifically designated for such use as part of the management plan prepared pursuant to subsection (c).

(c) **MANAGEMENT PLAN.**—No later than 3 years after the date of enactment of this Act, the Secretary, in cooperation with the Advisory Council, shall develop a comprehensive plan for the long-range management and protection of the conservation area. The plan shall be developed with full opportunity for public participation and comment, and shall contain provisions designed to assure access to a protection of the heritage, tourism, recreational, historical, scenic, archaeological, paleontological, biological, cultural, scientific, educational, and economic resources and values of the conservation area.

(d) **VISITORS.**—

(1) **VISITORS CENTER.**—The Secretary may establish, in cooperation with the Advisory Council and other public or private entities as the Secretary considers appropriate, a visitors center designed to interpret the history and the geological, ecological, natural, cultural, and other resources of the conservation area.

(2) **VISITORS USE OF AREA.**—In addition to the Visitors Center, the Secretary may provide for visitor use of the public lands in the conservation area to such extent and in such manner as the Secretary considers consistent with the purposes for which the conservation area is established. To the extent practicable, the Secretary shall make available to visitors and other members of the public a map of the conservation area and such other educational and interpretive materials as may be appropriate.

(e) **COOPERATIVE AGREEMENTS.**—The Secretary may provide technical assistance to, and enter into such cooperative agreements and contracts with, the State of Utah and with local governments and private entities as the Secretary deems necessary or desirable to carry out the purposes and policies of this title.

SEC. 204. ADDITIONS.

(a) **ADDITION TO CONSERVATION AREA.**—Any lands located within the boundaries of the conservation area that are acquired by the United States on or after the date of enactment of this Act shall become a part of the conservation area and shall be subject to this title.

(b) **LAND EXCHANGES TO RESOLVE CONFLICTS.**—The Secretary shall, within 4 years after the date of enactment of this Act, study, identify, and initiate voluntary land exchanges which would resolve ownership-related land use conflicts within the conservation area. Lands may be acquired under this subsection only from willing sellers.

SEC. 205. ADVISORY COUNCIL.

(a) **ESTABLISHMENT.**—There is established the San Rafael Swell National Conservation Area Advisory Council. The Advisory Council shall advise the Secretary regarding management of the conservation area.

(b) MEMBERSHIP.—

(1) **IN GENERAL.**—The Advisory Council shall consist of 11 members appointed by the Secretary from among persons who are representative of the various major citizen's interests concerned with the management of the public lands located in the conservation area. Of the members—

(A) 2 shall be appointed from individuals recommended by the Governor of the State of Utah;

(B) 4 shall be appointed from individuals recommended by the Board of Commissioners of Emery County, Utah, and shall include a representative of each of the Emery County Public Lands Council and the San Rafael Regional Heritage Council recognized under section 104(a);

(C) 1 shall be the Director of the Bureau of Land Management in the State of Utah, or his or her designee; and

(D) 4 shall be selected by the Secretary.

(2) **APPOINTMENT PROCESS.**—The Secretary shall appoint the members of the Advisory Council in accordance with rules prescribed by the Secretary.

(3) **TERMS.**—(A) The term of members of the Advisory Council shall be a period established by the Secretary, which may not exceed 4 years and which, except as provided by subparagraph (B), shall be the same for all members.

(B) In appointing the initial members of the Advisory Council, the Secretary shall, for a portion of the members, specify terms that are shorter than the period established under subparagraph (A), as necessary to achieve staggering of terms.

(c) **CHAIRPERSON.**—The Advisory Council shall have a Chairperson, who shall be selected by the Advisory Council from among its members.

(d) **MEETINGS.**—The Advisory Council shall meet at least twice each year, at the call of the Secretary or the Chairperson.

(e) **PAY AND EXPENSES.**—Members of the Advisory Council shall serve without pay, except travel and per diem shall be paid to each member for meetings called by the Secretary or the Chairperson.

(f) **FURNISHING ADVICE.**—The Advisory Council may furnish advice to the Secretary with respect to the planning and management of the public lands within the conservation area and such other matters as may be referred to it by the Secretary.

(g) **TERMINATION.**—The Advisory Council shall terminate 10 years after the date of the enactment of this Act, unless otherwise extended by law.

SEC. 206. RELATIONSHIP TO OTHER LAWS AND ADMINISTRATIVE PROVISIONS.

(a) **PUBLIC LAND LAWS.**—Except as otherwise specifically provided in this Act, nothing in this title shall be construed as limiting the applicability to lands in the conservation area of laws applicable to public lands generally, including but not limited to the National Historic Preservation Act (16 U.S.C. 470 et seq.), the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.), or the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.).

(b) **NON-BLM LAND.**—Nothing in this title shall be construed as by itself altering the status of any lands that on the date of enactment of this Act were not managed by the Bureau of Land Management.

SEC. 207. COMMUNICATIONS EQUIPMENT.

Nothing in this Act shall be construed to prohibit the Secretary from authorizing the installation of communications equipment in the conservation area for public safety purposes, other than within areas designated as wilderness, to the highest practicable degree consistent with requirements and restrictions otherwise applicable to the conservation area.

Subtitle B—Wilderness Areas Within Conservation Area

SEC. 221. DESIGNATION OF WILDERNESS.

(a) **DESIGNATION.**—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the following lands in the conservation area, as generally depicted on the map entitled “San Rafael Swell National Heritage/Conservation Area Proposed”, dated June 12, 1998, are hereby designated as wilderness and therefore as components of the National Wilderness Preservation System:

- (1) Crack Canyon Wilderness Area, consisting of approximately 25,624 acres.
- (2) Mexican Mountain Wilderness Area, consisting of approximately 27,257 acres.
- (3) Muddy Creek Wilderness Area, consisting of approximately 39,348 acres.
- (4) San Rafael Reef Wilderness Area, consisting of approximately 48,227 acres.

(b) MAP AND DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall file a map and a legal description of each area designated as wilderness by subsection (a) with the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. Each map and description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such maps and legal descriptions. Each map and legal description shall be on file and available for public inspection in the office of the Director of the Bureau of Land Management, and the office of the State Director of the Bureau of Land Management in the State of Utah, Department of the Interior.

SEC. 222. ADMINISTRATION OF WILDERNESS AREAS.

(a) IN GENERAL.—Subject to valid existing rights and the full exercise of those rights, each area designated as wilderness by this title shall be administered by the Secretary in accordance with this title and the Wilderness Act (16 U.S.C. 1131 et seq.).

(b) INCORPORATION OF ACQUIRED LANDS AND INTERESTS.—Any lands or interest in lands within the boundaries of an area designated as wilderness by this title that is acquired by the United States after the date of the enactment of this Act shall be added to and administered as part of the wilderness area within which the acquired lands or interest in lands are located.

(c) MANAGEMENT PLANS.—As soon as possible after the date of the enactment of this Act, the Secretary, in cooperation with the Advisory Council, shall prepare plans in accordance with section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) to manage the areas designated as wilderness by this title.

SEC. 223. LIVESTOCK.

Grazing of livestock in areas designated as wilderness by this Act, where such grazing is established before the date of the enactment of this Act—

- (1) may not be reduced, increased, or withdrawn, except based solely on scientific analyses of range conditions; and
- (2) shall be administered in accordance with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines set forth in House Report 96–1126.

SEC. 224. WILDERNESS RELEASE.

(a) FINDING.—The Congress finds and directs that public lands administered by the Bureau of Land Management within the conservation area in the County of Emery, Utah, that are depicted on the map entitled “San Rafael Swell National Heritage/Conservation Area Proposed”, dated June 12, 1998, have been adequately studied for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

(b) RELEASE.—Any public lands administered by the Bureau of Land Management within the conservation area in the County of Emery, Utah, that are depicted on the map entitled “San Rafael Swell National Heritage/Conservation Area Proposed”, dated June 12, 1998, and that are not designated as wilderness by this title are no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)). Such lands shall be managed for public uses as defined in section 103(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(c)) and in accordance with land management plans adopted pursuant to section 202 of such Act (43 U.S.C. 1712) and this Act.

Subtitle C—Other Special Management Areas

SEC. 231. SAN RAFAEL SWELL DESERT BIGHORN SHEEP MANAGEMENT AREA.

(a) ESTABLISHMENT AND PURPOSES.—

(1) ESTABLISHMENT.—There is hereby established in the conservation area the San Rafael Swell Desert Bighorn Sheep Management Area (in this section referred to as the “management area”).

(2) PURPOSES.—The purposes of the management area are the following:

(A) To provide for the prudent management of Desert Bighorn Sheep and their habitat in the Sid's Mountain area of the conservation area.

(B) To provide opportunities for watchable wildlife, hunting, and scientific study of Desert Bighorn Sheep and their habitat.

(C) To provide a seed source for other Desert Bighorn Sheep herds, and a gene pool to protect genetic diversity within the Desert Bighorn Sheep species.

(D) To provide educational opportunities to the public regarding Desert Big Horn Sheep and their environs.

(E) To maintain the natural qualities of the lands and habitat of the management area to the extent practicable with prudent management of desert bighorn sheep.

(b) **AREA INCLUDED.**—The management area shall consist of approximately 73,909 acres of federally owned lands and interests therein managed by the Bureau of Land Management as generally depicted on the map entitled “San Rafael Swell National Heritage/Conservation Area Proposed”, dated June 12, 1998.

(c) **MANAGEMENT AND USE.**—

(1) **IN GENERAL.**—Except as otherwise provided in this section, the management area and use of the management area shall be subject to all requirements and restrictions that apply to the conservation area.

(2) **MECHANIZED TRAVEL.**—The Secretary shall not allow any mechanized travel in the management area, except—

(A) mechanized travel that is in accordance with the plan; and

(B) mechanized travel by personnel of the Utah Division of Wildlife Resources and the Bureau of Land Management, including overflights of aircraft and landings of helicopters, may be allowed as needed to manage the Desert Bighorn Sheep and their habitat.

(3) **DESERT BIGHORN SHEEP MANAGEMENT.**—The Secretary and the Utah Division of Wildlife Resources may use such management tools as are needed to provide for the sustainability of the Desert Bighorn Sheep herd and the range resource of the management area, including animal transplanting (both into and out of the management area), hunting, water development, fencing, surveys, prescribed fire, control of noxious or invading weeds, and predator control.

(4) **WILDLIFE VIEWING.**—The Secretary, in cooperation with the State of Utah and the Advisory Council, shall manage the management area to provide opportunities for the public to view Desert Bighorn Sheep in their natural habitat. However, the Secretary may restrict mechanized and nonmechanized visitation to sensitive areas during critical seasons as needed to provide for the proper management of the Desert Bighorn Sheep herd of the management area.

(d) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—The Secretary shall include a management plan for the management area in the management plan for the conservation area under section 203.

(2) **CONTENTS.**—The management plan for the management area shall establish goals and management steps to be taken within the management area to achieve the purposes of the management area under subsection (a)(2).

(3) **PARTICIPATION.**—The Secretary shall cooperate with the Utah Division of Wildlife Resources and the Advisory Council in developing the management plan for the management area.

(e) **FACILITIES.**—

(1) **IN GENERAL.**—The Secretary may establish, operate, and maintain in the management area such facilities as are needed to provide for the management and safety of recreational users of the management area.

(2) **VIEWING SITES.**—Facilities under this subsection may include improved sheep viewing sites around the periphery of the management area, if such sites do not interfere with the proper management of the sheep and their habitat.

(f) **DEVELOPMENT OF HERITAGE SITES.**—This section shall not be construed to preclude the utilization, enhancement, and maintenance of national heritage area sites in the management area, if such activities do not conflict with the purposes of the management area under subsection (a).

SEC. 232. SEMI-PRIMITIVE NONMOTORIZED USE AREAS.

(a) **DESIGNATION AND PURPOSES.**—The Secretary shall designate areas in the conservation area as semi-primitive nonmotorized use areas. The purposes of the semi-primitive areas are the following:

(1) To provide opportunities for isolation from the sights and sounds of man.

(2) To provide opportunities to have a high degree of interaction with the natural environment.

- (3) To provide opportunities for recreational users to practice outdoor skills in settings that present moderate challenge and risk.
- (b) AREA INCLUDED.—The semi-primitive areas shall consist generally of approximately 120,695 acres of federally owned lands and interests therein located in the conservation area that are managed by the Bureau of Land Management, as generally depicted on the map entitled “San Rafael Swell National Heritage/Conservation Area Proposed”, dated June 12, 1998.
- (c) MANAGEMENT AND USE.—Except as otherwise provided in this section, semi-primitive areas shall be subject to all requirements and restrictions that apply to the conservation area.
- (d) MANAGEMENT PLAN.—
 - (1) IN GENERAL.—The Secretary shall include a management plan for the semi-primitive areas in the management plan for the conservation area under section 203.
 - (2) CONTENTS.—The management plans for the semi-primitive areas shall establish goals and management steps to be taken within the semi-primitive areas to achieve the purposes under subsection (a).
- (e) DEVELOPMENT OF HERITAGE SITES.—This section shall not be construed to preclude the utilization, enhancement, and maintenance of national heritage area sites in any semi-primitive area, if such activities do not conflict with the purposes of the semi-primitive areas under subsection (a).

SEC. 233. SCENIC VISUAL AREA OF CRITICAL ENVIRONMENTAL CONCERN.

- (a) DESIGNATION AND PURPOSE.—The Secretary shall designate areas in the conservation area as a scenic visual area of critical environmental concern (in this section referred to as the “scenic visual ACEC”). The purpose of the scenic visual ACEC is to preserve the scenic value of the Interstate Route 70 corridor within the conservation area.
- (b) AREA INCLUDED.—The scenic visual ACEC shall consist generally of approximately 27,670 acres of lands and interests therein located in the conservation area bordering Interstate Route 70 that are managed by the Bureau of Land Management, as generally depicted on the map entitled “San Rafael Swell National Heritage/Conservation Area Proposed”, dated June 12, 1998.
- (c) MANAGEMENT AND USE.—Except as otherwise provided in this section, the scenic visual ACEC shall be subject to all requirements and restrictions that apply to the conservation area, and shall be managed to protect scenic values in accordance with the Bureau of Land Management document entitled “San Rafael Resource Management Plan, Utah, Moab District, San Rafael Resource Area, 1991”.

TITLE III—GENERAL MANAGEMENT PROVISIONS

SEC. 301. LIVESTOCK GRAZING.

- (a) AREAS OTHER THAN WILDERNESS.—
 - (1) IN GENERAL.—Except as provided in subsection (b), the Secretary shall permit domestic livestock grazing in areas of the conservation area where grazing was established before the enactment of this Act. Grazing in such areas may not be reduced, increased, or withdrawn, except based solely on scientific analyses of range conditions.
 - (2) COMPLIANCE WITH APPLICABLE REQUIREMENTS.—Except as provided in subsection (b), any livestock grazing on public lands within the conservation area and activities the Secretary determines necessary to carry out proper and practical grazing management programs on such public lands (such as animal damage control activities), shall be managed in accordance with the Act of June 28, 1934 (43 U.S.C. 315 et seq.; commonly referred to as the “Taylor Grazing Act”), section 402 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752), other laws applicable to such use and programs on the public lands, and the management plan for the conservation area.
 - (3) CERTAIN WATER FACILITIES NOT AFFECTED.—Nothing in this Act shall affect the maintenance, repair, replacement, or improvement of, or ingress to or egress from, water catchment, storage, and conveyance facilities in existence before the date of the enactment of this Act that are associated with livestock or wildlife purposes, whether located within or outside of the boundaries of areas designated as part of the conservation area under this Act.
- (b) WILDERNESS.—Subsection (a) shall not apply to any wilderness designated by this Act.

SEC. 302. CULTURAL AND PALEONTOLOGICAL RESOURCES.

The Secretary shall allow for the discovery of, shall protect, and may interpret, cultural or paleontological resources located within areas designated as part of the conservation area, to the extent consistent with the other provisions of this Act governing management of those areas.

SEC. 303. LAND EXCHANGES RELATING TO SCHOOL AND INSTITUTIONAL TRUST LANDS.**(a) EXCHANGE AUTHORIZED.—**

(1) **IDENTIFICATION OF LANDS AND INTERESTS BY STATE.**—Not later than 1 year after the date of enactment of this Act, the Governor of the State of Utah may identify, describe, and notify the Secretary of any school and institutional trust lands the value or economic potential of which may be diminished by establishment of the conservation area under this Act, and that the State would like to exchange for other Federal lands or interests in land within the State of Utah.

(2) **OFFER BY SECRETARY.**—Not later than 1 year after the date of receipt of notification under subsection (a), and after seeking the advice of the Governor of the State of Utah on potential lands for exchange, the Secretary shall transmit to the Governor a list of Federal lands or interests in lands within the State of Utah that the Secretary believes are approximately equivalent in value to the lands described in subsection (a) of this section, and shall offer such lands for exchange to the State for the lands described in subsection (a).

(b) ENSURING EQUIVALENT VALUE.—

(1) **IN GENERAL.**—In preparing the list under subsection (a)(2), the Secretary shall take all steps as are necessary and reasonable to ensure that the State of Utah agrees that the lands offered by the Secretary are approximately equivalent in value to the lands identified and described by the State under subsection (a)(1).

(2) **ACCOUNTING FOR REVENUE SHARING.**—If the State of Utah shares revenue from the properties to be acquired by the State under this section, the value of such properties shall be the value otherwise established under this section, reduced by a percentage that represents the Federal revenue sharing obligation. The amount of such reduction shall not be considered a property right of the State of Utah.

(c) **PUBLIC INTEREST.**—The exchange of lands included in the list prepared under subsection (a)(2) shall be construed as satisfying the provisions of section 206(a) of the Federal Land Policy and Management Act of 1976 requiring that exchanges of lands be in the public interest.

(d) DEFINITIONS.—As used in this section:

(1) **SCHOOL AND INSTITUTIONAL TRUST LANDS.**—The term “school and institutional trust lands” means those properties granted by the United States in the Utah Enabling Act to the State of Utah in trust, and other lands that under State law must be managed for the benefit of the public school system or the institutions of the State that are designated by the Utah Enabling Act, that are located in the conservation area.

(2) **UTAH ENABLING ACT.**—The term “Utah Enabling Act” means the Act entitled “An Act to enable the people of Utah to form a constitution and State government, and to be admitted into the Union on an equal footing with the original States”, approved July 16, 1894 (chapter 138; 28 Stat. 107).

SEC. 304. WATER RIGHTS.**(a) FINDINGS.—The Congress finds the following:**

(1) The San Rafael Swell region of Utah is a high desert climate with little annual precipitation and scarce water resources.

(2) In order to preserve the limited amount of water available to wildlife, the State of Utah has granted to the Division of Wildlife Resources an in-stream flow right in the San Rafael River.

(3) This preserved right will guarantee that wetland and riparian habitats within the San Rafael region will be protected for designations such as wilderness, semi-primitive areas, bighorn sheep, and other Federal land needs within the San Rafael Swell region.

(b) **NO FEDERAL RESERVATION.**—Nothing in this Act or any other Act of Congress shall constitute or be construed to constitute either an express or implied Federal reservation of water or water rights for any purpose arising from the designation of areas as part of the conservation area or as a wilderness or semi-primitive area under this Act.

(c) **ACQUISITION AND EXERCISE OF WATER RIGHTS UNDER UTAH LAW.**—The United States may acquire and exercise such water rights as it deems necessary to carry out its responsibilities on any lands designated as part of the conservation area under this Act pursuant to the substantive and procedural requirements of the

State of Utah. Nothing in this Act shall be construed to authorize the use of eminent domain by the United States to acquire water rights for such lands. Within areas designated as part of the conservation area under this Act, all rights to water granted under the laws of the State of Utah may be exercised in accordance with the substantive and procedural requirements of the State of Utah.

(d) EXERCISE OF WATER RIGHTS GENERALLY UNDER UTAH LAWS.—Nothing in this Act shall be construed to limit the exercise of water rights as provided under the laws of the State of Utah.

(e) COLORADO RIVER.—Nothing in this Act shall be construed to affect the operation of any existing private, local, State, or federally owned dam, reservoir, or other water works on the Colorado River or its tributaries. Nothing in this Act shall alter, amend, construe, supersede, or preempt any local, State, or Federal law; any existing private, local, or State agreement; or any interstate compact or international treaty pertaining to the waters of the Colorado River or its tributaries.

SEC. 305. MISCELLANEOUS.

(a) STATE FISH AND WILDLIFE MANAGEMENT.—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1131(d)(7)), nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Utah with respect to fish and wildlife management activities, including water development, predator control, transplanting animals, stocking fish, hunting, fishing and trapping.

(b) PROHIBITION OF BUFFER ZONES.—The Congress does not intend that the designation of an area by this Act as part of the conservation area or a wilderness or semi-primitive area lead to the creation of protective perimeters or buffer zones around the area. It is the intention of the Congress that any protective perimeter or buffer zone be located wholly within such an area. The fact that nonconforming activities or uses can be seen or heard from land within such an area shall not, of itself, preclude such activities or uses up to the boundary of the area. Nonconforming activities that occur outside of the boundaries of such an area designated by this Act shall not be taken into account in assessing unnecessary and undue degradation of such an area.

(c) ROADS AND RIGHTS-OF-WAY AS BOUNDARIES.—Unless depicted otherwise on a map referred to in this Act, where roads form the boundaries of an area designated as part of the conservation area or a wilderness or semi-primitive area under this Act, the boundary of the area shall be set back from the center line of the road as follows:

- (1) A setback that corresponds with the boundary of the right-of-way for Interstate 70.
- (2) 150 feet for high standard roads.
- (3) 100 feet for roads classified as County Class B roads.
- (4) 50 feet for roads equivalent to County Class D roads.

(d) ACCESS.—

(1) REASONABLE ACCESS ALLOWED.—Subject to valid existing rights, reasonable access shall be allowed to existing improvements, structures, and facilities, including those related to water and grazing resources, which are within the conservation area or a wilderness or semi-primitive area designated under this Act, whether located on Federal or non-Federal lands, in order that they may be operated, maintained, repaired, modified, or replaced as necessary.

(2) REASONABLE ACCESS DEFINED.—For the purposes of this subsection, the term “reasonable access” means right of entry and includes access by motorized transport when necessarily, customarily, or historically employed on routes in existence as of the date of the enactment of this Act.

(e) LAND ACQUISITION BY EXCHANGE OR PURCHASE.—The Secretary shall offer to acquire from non-governmental entities lands and interests in lands located within or adjacent to the conservation area or a wilderness or semi-primitive area designated under this Act. Lands may be acquired under this subsection only by exchange or purchase from willing sellers.

(f) RIGHTS-OF-WAY.—

(1) RIGHT-OF-WAY CLAIMS NOT AFFECTED.—Nothing in this Act, including any reference to or depiction on the map entitled “San Rafael Swell National Heritage/Conservation Area Proposed”, dated June 12, 1998, affects any right-of-way claim that arose under section 2477 of the Revised Statutes (43 U.S.C. 932).

(2) DEPICTIONS NOT DETERMINATIVE.—Any depiction or lack of depiction of a highway, road, right-of-way, or trail on the map entitled “San Rafael Swell National Heritage/Conservation Area Proposed”, dated June 12, 1998, shall not be considered in any determination under section 2477 of the Revised Statutes (43 U.S.C. 932) of whether or not such highway, road, right-of-way, or trail exists.

PURPOSE OF THE BILL

The purpose of H.R. 3625 is to establish the San Rafael Swell National Heritage Area and the San Rafael Swell National Conservation Area in the State of Utah, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The San Rafael Swell region of the State of Utah was one of the country's last frontiers. The San Rafael Swell possesses important historical, cultural, and natural resources that are representative of the central themes associated with the history of the American West, including themes like Native American culture, exploration, pioneering, industrial development, and the utilization and conservation of natural resources. This rugged area contains important historical sites, has a notable history of coal and uranium mining, is widely recognized for its paleontological resources and dinosaur quarries, and contains significant underdeveloped recreational opportunities.

Many of the historical, cultural, and scientific sites are on lands owned by the Federal Government and are managed by the Bureau of Land Management or the U.S. Forest Service. H.R. 3625 will increase local involvement in the shaping of the future of the San Rafael Swell area. The San Rafael Swell Heritage and Conservation Area is a multi-dimensional approach to managing these diverse and unusual lands. It goes beyond the primary intent of protecting natural landscapes, and includes many other aspects, such as local history, culture and economics, as well as wildlife habitat, and educational opportunities for visitors.

The value of a National Conservation Area is the flexibility it gives in managing a broad array of lands and uses. This Conservation Area provides protections that could even exceed those provided by wilderness designation and provides for managed recreation uses, while providing protection for critical lands at the same time. The National Heritage Area is important in setting the San Rafael Swell apart from Utah's other national parks and monuments. H.R. 3625 intends to preserve and promote a captivating slice of the intrigue and romance of the Old West.

The San Rafael Swell National Heritage and Conservation Area is environmentally sound. It offers a holistic approach to public lands management that goes beyond traditional "one size fits all" approaches of the past. It looks at the needs of an entire ecosystem rather than disconnected slivers of remote wilderness lands.

H.R. 3625 addresses cultural sensitivities and the economic vitality of the surrounding communities. By adding the National Heritage Area dimension to the National Conservation Area, it not only preserves lands and protects wildlife, it also preserves and showcases the history and lore of the American West. In so doing, it will become a unique attraction, distinct and apart from existing parks and monuments.

COMMITTEE ACTION

H.R. 3625 was introduced by Congressman Chris Cannon (R-UT) on April 1, 1998, and referred to the Committee on Resources. Within the Committee, the bill was referred to the Subcommittee

on National Parks and Public Lands. On April 23, 1998, the Subcommittee held a hearing on H.R. 3625. The Subcommittee met to consider the bill on May 7, 1998. Congressman Maurice Hinchey (D-NY) offered four amendments. The first dealt with a feasibility study for the Heritage Area and a compact between the Governor of Utah and the Secretary of the Interior. The second designated wilderness based on natural contours of land. The third clarified claims under Revised Statute 2477. The fourth secured a water right for wilderness designated under the bill. All four amendments failed by voice vote. Congressman James V. Hansen (R-UT) offered an amendment in the nature of a substitute which was adopted by voice vote. The bill, as amended, was favorably reported to the Full Committee. On July 22, 1998, the Full Committee considered H.R. 3625. Congressman Cannon offered an amendment in the nature of a substitute. Congressman Hinchey offered an amendment to designate additional Utah lands as wilderness as included in his legislation, H.R. 1500. The Hinchey amendment was defeated by voice vote. The Cannon amendment in the nature of a substitute was adopted by voice vote, and the bill was favorably reported, as amended, to the House of Representatives by voice vote.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section provides a short title for the bill, the San Rafael Swell National Heritage and Conservation Act.

Section 2. Table of contents

This section provides the table of contents for the bill.

Section 3. Definitions

This section defines six terms used in the Act.

Title I—San Rafael Swell National Heritage Area

Section 101. Short title; findings; purposes

Section 101 provides the short title for the title (the San Rafael Swell National Heritage Area Act), Findings and Purposes.

Section 102. Designation

Section 102 designates the San Rafael Swell National Heritage Area.

Section 103. Definitions

Section 103 defines eight terms used in this title.

Section 104. Grants, technical assistance, and other duties and authorities of federal agencies

This section allows the Secretary of the Interior to make grants to the Heritage Council and allows the Secretary to provide technical assistance for the San Rafael Swell Heritage Area for ten years. The Secretary will monitor the National Heritage Area to ensure compliance with terms of the compact for the area. Any Federal entities engaged in activities related to the National Heritage Area must cooperate with the Secretary and the Heritage

Council. The Bureau of Land Management (BLM) is currently conducting an inventory of the cultural, historical, and paleontological resources in the Heritage Area. Once the BLM and the local entity have assessed these resources, the parties will negotiate a compact which will specify the terms under which the Heritage Area will operate. The compact will essentially mark the beginning of the operation of the Heritage Area under the terms of this Act.

Section 105. Compact and heritage plan

Under Section 105, the compact will consist of an agreement entered into by the Secretary of Interior, the Secretary of Agriculture, and the Governor of Utah or a designee of the Governor, in coordination with the Heritage Council. The agreement will define the Heritage Area, describe programs for the Area, and include information relating to the objectives and management of the Area. The agreement will include boundaries, a description of the Heritage Council, non-Federal participants, goals, objectives, and cost of the National Heritage Area, and the role of the State of Utah. A heritage plan will be created explaining the strategy for the goals of the National Heritage Area. The plan will contain recommendations for the Area, be prepared with public participation, describe actions units of government and private organizations can take to protect the resources of the Area, and specify funding sources for the Area. The heritage plan will also include an inventory of resources, recommendations for management, a program for implementing the heritage plan and commitments for the first five years of the plan by the partners identified in the compact, an analysis of how Federal, State, and local programs can coordinate, and an interpretive plan. The heritage plan cannot supersede the management plan.

Section 106. Heritage council

Under Section 106, the managing entity for the National Heritage Area will be the Heritage Council. The Council will include a representative of one or more units of Utah government, a representative of interested groups, and private property owners who live within the Heritage Area. The Heritage Council must develop the Heritage Plan and send it to the Secretary within three years and they shall give priority to implementing actions, goals, and policies set within the compact and the plan, and assist units of government with Heritage Area-related activities. The Heritage Council shall conduct public meetings at least annually regarding the implementation of the Heritage Plan.

Section 107. Lack of effect on land use regulation

Section 107 clarifies that this bill will not affect land use regulations, powers of zoning, or the authority of the Secretary or the BLM. The Secretary shall work in cooperation under the Federal Land Policy and Management Act of 1976 with the Forest Service, the Heritage Council, local governments, and private entities.

Section 108. Authorization of appropriations

Section 108 authorizes \$1,000,000 or less annually to be appropriated for grants and technical assistance, with a \$10,000,000 total cap. In a fiscal year, not less than 70 percent of the funds

may be used for grants. Federal funding after the designation of the National Heritage Area for any technical assistance or grant, may not exceed 50 percent of the total cost of the assistance or grant. Prior to designation of the area, Federal funding may not exceed an amount proportionate to the level of local support and commitment to the area. It is the intent of the Committee that the matching portion of local support includes in-kind contributions from State and local governments and private sources.

Title II—San Rafael Swell National Conservation Area

Subtitle A—Establishment of Conservation Area

Section 201. Definition of Plan

Section 201 defines the term “plan” for the Conservation Area

Section 202. Establishment of national conservation area

Section 202 establishes the San Rafael National Conservation Area, described as approximately 630,000 acres, including areas of Wilderness, Bighorn Sheep Management Area, Scenic Visual Area of Critical Environmental Concern, and Semi-Primitive Non-Motorized Use Areas. A map and legal description of the area will be filed by the Secretary with the Resources Committee and the Committee on Energy and Natural Resources. Federal lands within the Conservation Area will be withdrawn from public land laws, the Desert Lands Act, the Carey Act, general mining laws, operation of the mineral and geothermal leasing laws, and the mineral material disposal laws. Sale of trees, portions of trees, and forest products located in the Conservation Area is prohibited.

Section 203. Management

Under Section 203, management of the Conservation Area will be performed by the Secretary and the Advisory Council and will focus on the conservation, protection, enhancement, public use, and enjoyment of the resources. No later than three years after enactment, the Secretary and Advisory Council will develop a management plan for the Conservation Area. The Secretary, in cooperation with the Advisory Council, may establish a visitor center for the Conservation Area.

Section 204. Additions

Under Section 204, any land within the Conservation Area, acquired by the U.S. on or after the enactment of this Act, will become part of the Conservation Area. Within four years of enactment of this Act, the Secretary is authorized to perform land exchanges to resolve conflicts.

Section 205. Advisory council

Section 205 establishes the San Rafael Swell National Conservation Area Advisory Council. The Advisory Council will advise the Secretary on management of the Conservation Area and will consist of 11 members appointed by the Secretary. The Council will consist of two people recommended by the Governor of Utah, four people recommended by the Board of Commissioners of Emery County, Utah, one person selected by the Director of the BLM in

the State of Utah, and four people selected by the Secretary. Advisory Council members will serve four years or less as established by the Secretary. A portion of the initial members will serve shorter terms as specified by the Secretary to establish staggered terms. The Advisory Council will elect a Chairman among its members and will meet at least twice a year. The Advisory Council will terminate 10 years after enactment of this Act.

Section 206. Relationship to other laws and administrative provisions

Under Section 206, the Act will not limit the application of public land laws to lands in the Conservation Area, nor will it alter any lands that are not managed by the BLM.

Section 207. Communications equipment

Section 207 allows the Secretary to authorize installation of telecommunications equipment in the Conservation Area, except in areas designated as wilderness.

Subtitle B—Wilderness Areas Within Conservation Area

Section 221. Designation of wilderness

Section 221 designates areas within the Conservation Area as wilderness totaling 140,457 acres, including, Crack Canyon Wilderness Area, consisting of over 25,000 acres; Mexican Mountain Wilderness Area, consisting of over 27,000 acres; Muddy Creek Wilderness Area, consisting of over 39,000 acres; and the San Rafael Reef Wilderness Area, consisting of over 48,000 acres. After enactment of this Act, the Secretary will file maps of the Wilderness designations with the House Resource Committee and with the Senate Energy and Natural Resources Committee. Each map and legal description will be on file in the office of the Director of the BLM and the office of the State Director of the BLM in the State of Utah.

Section 222. Administration of wilderness areas

Under Section 222, each area designated as wilderness in this Act is in accordance with the Wilderness Act of 1964. Any land within the boundaries of a wilderness area that are acquired by the U.S. after the enactment of this Act, will become part of the wilderness area. After the enactment of this Act, the Secretary and Advisory Council will prepare a management plan in accordance with the Federal Land Policy and Management Act for the wilderness areas.

Section 223. Livestock

Section 223 specifies that prior existing grazing within designated wilderness areas may not be reduced, increased, or withdrawn, except based solely on scientific analysis of range conditions. Grazing will be administered in accordance with the Wilderness Act and guidelines in House Report 96–1126.

Section 224. Wilderness release

Under Section 224, lands in the Conservation Area that are not designated as wilderness are no longer subject to section 603(c) of

the Federal Land Policy and Management Act (FLPMA). These lands will be managed as defined in Section 103(c) of FLPMA and Section 202 of FLPMA and this Act.

Subtitle C—Other Special Management Areas

Section 231. San Rafael Swell Desert Bighorn Sheep Management Area

Section 231 establishes the San Rafael Swell Desert Bighorn Sheep Management Area. The Management Area provides for management of the Bighorn Sheep herd in the Sid's Mountain area of the Conservation Area and provides for watchable wildlife opportunities. The Management Area is approximately 73,909 acres and will be managed by the BLM. Mechanized travel in the Management Area will be limited to the Utah Division of Wildlife Resources and the BLM for management of the Bighorn Sheep and in accordance with the plan. The Secretary and the Utah Division of Wildlife Resources may use management tools that are needed to sustain the Bighorn Sheep herd and the range resource of the Management Area. The Secretary may cooperate with the State of Utah and the Advisory Council to manage public viewing of Desert Bighorn Sheep. The Secretary, along with the Utah Division of Wildlife and the Advisory Council, will develop a management plan for the San Rafael Swell Desert Bighorn Sheep Management Area that will establish the goals and management steps to be taken to achieve the purposes of the Management Area. The Secretary may establish facilities needed to provide for educational uses of the Management Area. This includes improved sheep viewing sites as long as the view sites do not interfere with the management of the sheep and habitat. This Section does not preclude utilization, enhancement, and maintenance of National Heritage Area sites in the Management Area, if they do not conflict with the purposes of the Management Area.

Section 232. Semi-primitive nonmotorized use areas

Under Section 232, the Secretary will designate semi-primitive non-motorized use areas in the Conservation Area. The semi-primitive areas will provide isolation and interaction with nature and will consist of approximately 120,695 acres managed by the BLM. The Secretary will include a management plan for the semi-primitive areas that will establish goals and management steps to be taken within it. This Section does not preclude utilization, enhancement, and maintenance of National Heritage Area sites in the semi-primitive area, if they don't conflict with the purposes of the semi-primitive area. This designation reflects the current management of these lands by the BLM under FLPMA and the current Resource Management Plan.

Section 233. Scenic Visual Area of Critical Environmental Concern

Under Section 223, the Secretary will designate areas in the Conservation Area as a Scenic Area of Critical Environmental Concern (ACEC) to preserve and protect the scenic value of the Interstate Route 70 corridor. The ACEC will consist of approximately 27,670 acres, bordering Interstate Route 70, that is managed by the BLM.

This designation reflects the current management of these lands by the BLM under FLPMA and the current Resource Management Plan.

Title III—General Management Provisions

Section 301. Livestock grazing

Under Section 301, grazing within the Conservation Area, other than designated wilderness areas, may not be altered, except based on scientific analyses of range conditions. Any grazing and grazing-related activities within the Conservation Area, other than designated wilderness, must be in accordance with the Taylor Grazing Act, FLPMA, and the management plan for the Conservation Area. This Act shall not affect water facilities associated with livestock and wildlife whether located within or outside of the boundaries of the Conservation Area.

Section 302. Cultural and paleontological resources

Section 302 allows the Secretary to authorize discovery, protection, and interpretation of, cultural or paleontological resources located within the Conservation Area, as consistent with this Act.

Section 303. Land exchanges relating to school and institutional trust lands

Under Section 303, no later than one year after the enactment of this Act, the Governor of the State of Utah may notify the Secretary of Interior about school and institutional trust lands, whose value is diminished by the Conservation Area, and ask for an exchange for other Federal lands or interests in lands within Utah. No later than one year after notification by the Governor, the Secretary will, after seeking the advice of the Governor, provide a list of Federal lands or interests in lands within Utah that are equivalent to the school and institutional trust lands of the Conservation Area. The Secretary will ensure that the lands for exchange are equivalent in value.

Section 304. Water rights

Under Section 304, due to scarce water resources, the State of Utah granted the Division of Wildlife Resources an in-stream flow right in the San Rafael River to protect wetland and riparian habitats within the San Rafael Swell. This Act does not imply a Federal reservation of water for any purpose of the Conservation Area. Federal acquisition and exercise of water rights are permitted but must follow the laws of the State of Utah.

Section 305. Miscellaneous

Section 305 specifies that nothing in this Act will affect the jurisdiction or responsibilities of the State of Utah's fish and wildlife management activities. The Committee does not intend that buffer zones be established as part of the Conservation Area. Except where specified on the map for this Act, where roads form boundaries of an area within the Conservation Area, the boundary of the Area will be set back from the center line of the road as corresponding with the right-of-way for I-70, 150 feet for high stand-

ard roads, 100 feet for County Class B roads, and 50 feet for County Class D roads. This Act allows “reasonable access” to existing improvements, structures, and facilities which are within the Conservation Area, on both Federal and non-Federal lands. Reasonable access means right of entry and includes access by motorized vehicles on pre-existing routes. The Secretary will offer to acquire lands within or adjacent to the Conservation Area from non-governmental entities by exchange or purchase from willing sellers. Nothing in this Act affects any right-of-way claim related to 2477 of the Revised Statutes; this holds true whether it is shown on the San Rafael map or not.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(l)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on Resources’ oversight findings and recommendations are reflected in the body of this report.

FEDERAL ADVISORY COMMITTEE STATEMENT

The functions of the proposed advisory committee authorized in H.R. 3625 are not currently being nor could they be performed by one or more agencies, an advisory committee already in existence or by enlarging the mandate of an existing advisory committee.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact H.R. 3625.

COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 3625. However, clause 7(d) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 3625 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in expenditures. According to the Congressional Budget Office, enactment of H.R. 3625 could affect offsetting receipts, but any such effect totals less than \$500,000 per year.

2. With respect to the requirement of clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 3625.

3. With respect to the requirement of clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 3625 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC., July 31, 1998.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3625, the San Rafael Swell National Heritage and Conservation Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Victoria V. Heid (for federal costs) and Marjorie Miller (for the state and local impact).

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

Enclosure.

H.R.3625—San Rafael Swell National Heritage and Conservation Act

Summary: H.R. 3625 would establish the San Rafael Swell National Heritage Area and the San Rafael National Conservation Area in the state of Utah. The bill also would establish several new management units on federal land within the conservation area.

CBO estimates that implementing H.R. 3625 would cost about \$8 million over the 1999–2003 period, assuming appropriation of the necessary amounts. Because H.R. 3625 could affect offsetting receipts, pay-as-you-go procedures would apply; however, CBO estimates that any such effect would total less than \$500,000 each year. H.R. 3625 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Description of the bill's major provisions: The San Rafael Swell National Heritage Area would encompass the counties of Carbon and Emery, and portions of the county of Sanpete, in the state of Utah. The bill provides for the creation of a Heritage Council to develop a heritage plan and manage the heritage area. It would authorize the appropriation of up to \$1 million annually to the Bureau of Land Management (BLM) for grants and technical assistance for the heritage plan. The bill would authorize BLM to provide such grants and technical assistance to the Heritage Council or any unit of government.

The San Rafael Swell National Heritage Area would encompass about 630,000 acres of federal land within the San Rafael National Heritage Area. The bill would withdraw federal land in the conservation area from mining, mineral leasing, and commercial tim-

ber harvesting, subject to valid existing rights. The bill also would establish an Advisory Council for the conservation area. Within three years of enactment, the Secretary, in cooperation with the Advisory Council, would be required to develop a plan to manage and protect the conservation area. The Advisory Council would terminate ten years after enactment.

The bill would create several new management units within the conservation area. It establish four wilderness areas and a desert bighorn sheep management area, and would direct the Secretary to designate a semi-primitive, nonmotorized use area and a scenic visual area of critical environmental concern. The Secretary would be required to include management plans for each of these units in the management plan for the conservation area.

Finally, the bill would authorize several land exchanges. If the Governor of Utah notifies the Secretary that the value of any school and institutional trust lands has been diminished by the establishment of the conservation area and that the state would like to exchange such lands for other federal lands, the Secretary would be required to give the Governor a list of federal lands or interests in lands within the state to be offered in exchange. In addition, the Secretary would be required to initiate voluntary land exchanges to resolve any ownership-related land use conflicts within the conservation area.

Estimated cost to the federal government: CBO estimates that implementing H.R. 3625 would increase discretionary outlays by about \$8 million over the 1999–2003 period, assuming appropriation of the necessary amounts. This bill also could affect direct spending, but we estimate that any effects would not be significant. The following table summarizes the estimated budgetary impact of H.R. 3625. The costs of this legislation fall within budget function 300 (Natural resources and the environment).

[By fiscal year, in millions of dollars]

	1998	1999	2000	2001	2002	2003
Changes in spending subject to appropriation:						
Estimated authorization level	0	2	2	2	2	2
Estimated outlays	0	1	1	2	2	2

Spending subject to appropriation

CBO estimates that the activities associated with establishing these heritage and conservation areas would cost BLM about \$2 million per year. This estimate includes the \$1 million authorized by the bill for planning and management of the heritage area. Based on information from BLM, CBO also estimates that BLM would spend about \$1 million each year for planning and management of the conservation area (including the new management units within it). For purposes of this estimate, we assume that appropriations for these activities would be provided beginning in fiscal year 1999 and that outlays would follow the historical pattern for similar activities.

Direct spending (including offsetting receipts)

H.R. 3625 would withdraw land in the San Rafael Swell National Conservation Area from mining, mineral leasing, and commercial

timber harvesting, subject to valid existing rights. Enacting those provisions could result in forgone offsetting receipts from federal land over the next five years if, under current law, the land would generate receipts from leasing or timber harvesting. However, CBO estimates that any such effect would total less than \$500,000 each year. We estimate that other provisions in the bill would have no significant impact on direct spending.

Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. Because the provisions in H.R. 3625 withdrawing certain lands from mining, mineral leasing, and timber harvesting could affect offsetting receipts, pay-as-you-go procedures would apply. CBO estimates, however, that any such effect would not be significant.

Estimated impact on state, local, and tribal governments: H.R. 3625 contains no intergovernmental mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. The state of Utah and local governments within the state might choose to participate in the planning for and management of these areas, and would incur some costs as a result. Such costs would be voluntary. These governments would be eligible to receive grants to cover a portion of the costs associated with the Heritage Area.

Estimated impact on the private sector: H.R. 3625 contains no private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: Victoria V. Heid. Impact on State, Local, and Tribal Governments: Marjorie Miller.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 3625 contains no unfunded mandates.

CHANGES IN EXISTING LAW

If enacted, H.R. 3625 would make no changes in existing law.

DISSENTING VIEWS

We join the Administration and a broad array of conservation organizations in opposing H.R. 3625. The San Rafael Swell is a magnificent natural resource that deserves better than what the bill provides.

While we appreciate the willingness of supporters to make some changes to the bill, these changes fall far short of addressing the serious problems that exist with the legislation. The problems with the bill are so serious and pervasive that Bureau of Land Management Director Pat Shea, in testifying on H.R. 3625, indicated that the Secretary of the Interior would recommend a veto if the bill were presented to the President.

We object to both the acreage of land being designated as wilderness by the bill, as well as, the wilderness management provisions of the legislation that are inconsistent with the Wilderness Act. H.R. 3625 is a step back in the wilderness debate. The bill designates even less acreage than was in the controversial Utah Wilderness bill (H.R. 1745) of the 104th Congress. As a result wild lands containing jagged cliff faces, narrow slot canyons, and hidden valleys rich with domes and towers would be left unprotected. These lands, which have been identified in H.R. 1500 by Mr. Hinchey and others, are deserving of the protections that wilderness designation provides.

The National Heritage Area that would be designated by the bill is highly questionable. There has been no feasibility study done of this area and we have no description or assessment of its resources. Most of the area is Federal land, yet the bill uses the heritage area designation, which is a designation that was developed to deal with the collective resource values of certain state, local and private lands. We object to the creation of a management entity for the heritage area that does not include Federal representatives, even though most of the land in the area is Federal land. With this particular heritage area designation, we believe there are significant potential conflicts with the administration of public land laws.

As part of the Resource Management Plan for the San Rafael Swell area, the BLM in 1989 proposed a national conservation area (NCA) designation for the area. Unfortunately, the NCA designation in H.R. 3625 does not reflect that proposal. The NCA lands proposed by H.R. 3265 are considerably less than what the BLM recommended. The bill's standard for protection of the resources of the area is less than that found in other NCA designations. We are also concerned, that the "advisory council" created for the area is narrowly focused, weighted toward local input, and given responsibilities beyond an advisory role.

We are concerned about the bill's designation of a Bighorn Sheep Area on Sid's Mountain that places intensive management for one species in an area that many, including the BLM, have rec-

ommended as wilderness. The extensive and specific management prescriptions contained in the bill run counter to ecosystem management. We do not agree with the argument made by some that wilderness designation unduly restricts Bighorn Sheep management. Many of the areas in which these sheep congregate are wilderness study areas that have been managed to protect their wilderness values for many years without negatively impacting sheep management. We are especially concerned because under the bill, the Bighorn Sheep area would be bisected by at least five road corridors. As several wildlife biologists have noted to us, vehicles and sheep don't mix.

Proposals to protect the San Rafael have been around since the mid-1930's when a San Rafael National Park was first proposed. We agree that this area is deserving of national recognition and protection but firmly believe that the provisions of H.R. 3265 would undercut the protections that this area so richly deserves.

GEORGE MILLER.
LLOYD DOGGETT.
WILLIAM DELAHUNT.
EDWARD MARKEY.
MAURICE HINCHEY.
SAM FARR.
BRUCE VENTO.

