

106TH CONGRESS
1ST SESSION

S. 1560

To establish the Shivwits Plateau National Conservation Area.

IN THE SENATE OF THE UNITED STATES

AUGUST 5, 1999

Mr. KYL (for himself and Mr. MCCAIN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To establish the Shivwits Plateau National Conservation Area.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Shivwits Plateau Na-
5 tional Conservation Area Establishment Act”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to establish the Shivwits
8 Plateau National Conservation Area to conserve, protect,
9 and enhance for the benefit and enjoyment of present and
10 future generations the landscapes, native wildlife and

1 vegetation, and prehistoric, historic, scenic, and traditional
2 human values of the conservation area (including ranch-
3 ing, hunting, sightseeing, camping and hiking).

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) CONSERVATION AREA.—The term “con-
7 servation area” means the Shivwits Plateau National
8 Conservation Area established by section 2.

9 (2) SECRETARY.—The term “Secretary” means
10 the Secretary of the Interior, acting through the Di-
11 rector of the Bureau of Land Management.

12 **SEC. 4. ESTABLISHMENT OF SHIVWITS PLATEAU NATIONAL**
13 **CONSERVATION AREA, ARIZONA.**

14 (a) IN GENERAL.—There is established the Shivwits
15 Plateau National Conservation Area in the State of Ari-
16 zona.

17 (b) AREAS INCLUDED.—The Shivwits Plateau Na-
18 tional Conservation Area shall be comprised of approxi-
19 mately 381,800 acres of land administered by the Sec-
20 retary in Mohave County, Arizona, as generally depicted
21 on the map entitled “Shivwits Plateau National Conserva-
22 tion Area—Proposed”, numbered ____, dated ____.

23 (c) MAP AND LEGAL DESCRIPTION.—

24 (1) IN GENERAL.—As soon as practicable after
25 the date of enactment of this Act, the Secretary

1 shall submit to Congress a map and legal description
2 of the conservation area.

3 (2) FORCE AND EFFECT.—The map and legal
4 description shall have the same force and effect as
5 if included in this Act.

6 (3) PUBLIC AVAILABILITY.—Copies of the map
7 and legal description shall be on file and available
8 for public inspection in—

9 (A) the Office of the Director of the Bu-
10 reau of Land Management; and

11 (B) the appropriate office of the Bureau of
12 Land Management in Arizona.

13 **SEC. 5. MANAGEMENT OF CONSERVATION AREA.**

14 (a) IN GENERAL.—The Secretary shall manage the
15 conservation area in a manner that conserves, protects,
16 and enhances all of the values specified in section 2 under
17 the Federal Land Policy and Management Act of 1976
18 (43 U.S.C. 1701 et seq.), this Act, and other applicable
19 law.

20 (b) HUNTING AND FISHING.—The Secretary shall
21 permit hunting and fishing in the conservation area in ac-
22 cordance with the laws of the State of Arizona.

23 (c) GRAZING.—

24 (1) IN GENERAL.—The Secretary shall permit
25 the grazing of livestock in the conservation area.

1 (2) APPLICABLE LAW.—The Secretary shall en-
 2 sure that grazing in the conservation area is con-
 3 ducted in accordance with all laws (including regula-
 4 tions) that apply to the issuance and administration
 5 of grazing leases on other land under the jurisdiction
 6 of the Bureau of Land Management.

7 (d) FOREST RESTORATION.—The Secretary shall de-
 8 velop and carry out forest restoration projects on Pon-
 9 derosa Pine forests and Pinion-Juniper forests in the con-
 10 servation area, with the goal of restoring the land in the
 11 conservation area to presettlement condition.

12 (e) ADVISORY COMMITTEE.—

13 (1) ESTABLISHMENT.—The Secretary shall es-
 14 tablish an advisory committee for the conservation
 15 area, to be known as the “Shivwits Plateau National
 16 Conservation Area Advisory Committee”, the pur-
 17 pose of which shall be to advise the Secretary with
 18 respect to the preparation and implementation of the
 19 management plan required by section 6.

20 (2) REPRESENTATION.—The advisory com-
 21 mittee shall be comprised of 9 members appointed
 22 by the Secretary, of whom—

23 (A) 1 shall be a grazing permittee in good
 24 standing with the Bureau of Land Management
 25 who has maintained a grazing allotment within

1 the boundaries of the conservation area for not
2 less than 5 years;

3 (B) 1 shall be the chairperson of the
4 Kaibab Band of Paiute Indians;

5 (C) 1 shall be an individual with a recog-
6 nized background in ecological restoration, re-
7 search, and application, to be appointed from
8 among nominations made by Northern Arizona
9 University;

10 (D) 1 shall be the Arizona State Land
11 Commissioner;

12 (E) 1 shall be an Arizona State Game and
13 Fish Commissioner;

14 (F) 1 shall be an official of the State of
15 Utah (other than an elected official), to be ap-
16 pointed from among nominations made by the
17 Arizona Strip Regional Planning Task Force;

18 (G) 1 shall be a representative of a recog-
19 nized environmental organization;

20 (H) 1 shall be a local elected official from
21 the State of Arizona, to be appointed from
22 among nominations made by the Arizona Strip
23 Regional Planning Task Force; and

24 (I) 1 shall be a local elected official from
25 the State of Utah, to be appointed from among

1 nominations made by the Arizona Strip Re-
2 gional Planning Task Force.

3 (3) TERMS.—

4 (A) IN GENERAL.—A member of the advi-
5 sory committee shall be appointed for a term of
6 3 years, except that, of the members first ap-
7 pointed, 3 members shall be appointed for a
8 term of 1 year and 3 members shall be ap-
9 pointed for a term of 2 years.

10 (B) REAPPOINTMENT.—A member may be
11 reappointed to serve on the advisory committee
12 on expiration of the member's term.

13 **SEC. 6. MANAGEMENT PLAN.**

14 (a) EXISTING MANAGEMENT PLANS.—The Secretary
15 shall manage the conservation area under resource man-
16 agement plans in effect on the date of enactment of this
17 Act, including the Arizona Strip Resource Management
18 Plan, the Parashant Interdisciplinary Plan, and the Mt.
19 Trumbull Interdisciplinary Plan.

20 (b) FUTURE MANAGEMENT PLANS.— Future revi-
21 sions of management plans for the conservation area shall
22 be adopted in compliance with the goals and objectives of
23 this Act.

1 **SEC. 7. ACQUISITION OF LAND.**

2 (a) IN GENERAL.—The Secretary may acquire State
3 or private land or interests in land within the boundaries
4 of the conservation area only by—

5 (1) donation;

6 (2) purchase with donated or appropriated
7 funds from a willing seller; or

8 (3) exchange with a willing party.

9 (b) EXCHANGES.—

10 (1) IN GENERAL.—During the 2-year period be-
11 ginning on the date of enactment of this Act, the
12 Secretary shall make a diligent effort to acquire, by
13 exchange, from willing parties all State trust lands,
14 subsurface rights, and valid mining claims within
15 the conservation area.

16 (2) INVERSE CONDEMNATION.—If an exchange
17 requested by a property owner is not completed by
18 the end of the period, the property owner that re-
19 quested the exchange may, at any time after the end
20 of the period—

21 (A) declare that the owner's State trust
22 lands, subsurface rights, or valid mining claims
23 within the conservation area have been taken by
24 inverse condemnation; and

25 (B) seek compensation from the United
26 States in United States district court.

1 (c) VALUATION OF PRIVATE PROPERTY.—

2 (1) IN GENERAL.—The United States shall pay
3 the fair market value for any property acquired
4 under this section.

5 (2) ASSESSMENT.—The value of the property
6 shall be assessed as if the conservation area did not
7 exist.

8 **SEC. 8. MINERAL ASSESSMENT PROGRAM AND RELATION-**
9 **SHIP TO MINING LAWS.**

10 (a) ASSESSMENT PROGRAM.—Not later than 2 years
11 after the date of enactment of this Act, the Secretary shall
12 assess the oil, gas, coal, uranium, and other mineral poten-
13 tial on Federal land in the conservation area.

14 (b) PEER REVIEW.—The mineral assessment pro-
15 gram shall—

16 (1) be subject to review by the Arizona State
17 Department of Mines and Mineral Resources; and

18 (2) shall not be considered to be complete until
19 the results of the assessment are approved by the
20 Arizona State Department of Mines and Mineral Re-
21 sources.

22 (c) RELATION TO MINING LAWS.—Subject to valid
23 existing rights, the public land within the conservation
24 area is withdrawn from mineral location, entry, and patent
25 under chapter 6 of the Revised Statutes (commonly known

1 as the “General Mining Law of 1872”) (30 U.S.C. section
2 21 et seq.).

3 (d) MINERAL LEASING.—The Secretary shall permit
4 the removal of—

5 (1) nonleasable minerals from land or an inter-
6 est in land within the national conservation area in
7 the manner prescribed by section 10 of the Act of
8 August 4, 1939 (43 Stat. 38); and

9 (2) leasable minerals from land or an interest
10 in lands within the conservation area in accordance
11 with the Act of February 25, 1920 (commonly
12 known as the “Mineral Lands Leasing Act of
13 1920”) (30 U.S.C. 181 et seq.) or the Mineral Leas-
14 ing Act for Acquired Lands (30 U.S.C. 351 et seq.).

15 (e) DISPOSITION OF FUNDS FROM PERMITS AND
16 LEASES.—

17 (1) RECEIPTS FROM PERMITS AND LEASES.—
18 Receipts derived from permits and leases issued on
19 land in the conservation area under the Act of Feb-
20 ruary 25, 1920 (30 U.S.C. 181 et seq.) or the Min-
21 eral Leasing Act for Acquired Lands (30 U.S.C. 351
22 et seq.), shall be disposed of as provided in the ap-
23 plicable Act.

24 (2) RECEIPTS FROM DISPOSITION OF
25 NONLEASABLE MINERALS.—Receipts from the dis-

1 position of nonleasable minerals within the conserva-
2 tion area shall be disposed of in the same manner
3 as proceeds of the sale of public land.

4 **SEC. 9. EFFECT ON WATER RIGHTS.**

5 Nothing in this Act—

- 6 (1) establishes a new or implied reservation to
7 the United States of any water or water-related
8 right with respect to land included in the conserva-
9 tion area; or
- 10 (2) authorizes the appropriation of water, ex-
11 cept in accordance with the substantive and proce-
12 dural law of the State of Arizona.

13 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

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

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