

Calendar No. 791

106TH CONGRESS
2D SESSION**S. 2048****[Report No. 106-401]**

To establish the San Rafael Western Legacy District in the State of Utah,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 2000

Mr. HATCH (for himself and Mr. BENNETT) introduced the following bill;
which was read twice and referred to the Committee on Energy and Nat-
ural Resources

SEPTEMBER 7, 2000

Reported by Mr. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To establish the San Rafael Western Legacy District in
the State of Utah, and for other purposes.

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

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “San Rafael Western Legacy District and National Con-
 4 servation Act”.

5 (b) **TABLE OF CONTENTS.**—The table of contents of
 6 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Purposes.

Sec. 3. Definitions.

TITLE I—SAN RAFAEL WESTERN LEGACY DISTRICT

Sec. 101. Establishment of the San Rafael Western Legacy District.

Sec. 102. Management and use of the San Rafael Western Legacy District.

TITLE II—SAN RAFAEL NATIONAL CONSERVATION AREA

Sec. 201. Designation of the San Rafael National Conservation Area.

Sec. 202. Management of the San Rafael National Conservation Area.

7 **SEC. 2. PURPOSES.**

8 The purposes of this Act are—

9 (1) to promote—

10 (A) the preservation, conservation, inter-
 11 pretation, scientific research, and development
 12 of the historical, cultural, natural, recreational,
 13 archaeological, paleontological, environmental,
 14 biological, educational, wilderness, and scenic
 15 resources of the San Rafael region of the State
 16 of Utah; and

17 (B) the economic viability of rural commu-
 18 nities in the San Rafael region; and

19 (2) to conserve, protect, and enhance for the
 20 benefit and enjoyment of present and future genera-

1 tions of people the unique and nationally important
 2 values of the Western Legacy District and the public
 3 land described in section 201(b) (including histor-
 4 ical, cultural, natural, recreational, scientific, archae-
 5 ological, paleontological, environmental, biological,
 6 wilderness, wildlife, educational, and scenic re-
 7 sources).

8 **SEC. 3. DEFINITIONS.**

9 In this Act:

10 (1) **CONSERVATION AREA.**—The term “Con-
 11 servation Area” means the San Rafael National
 12 Conservation Area established by section 201(a).

13 (2) **LEGACY COUNCIL.**—The term “Legacy
 14 Council” means the council established under section
 15 101(d).

16 (3) **MANAGEMENT PLAN.**—The term “manage-
 17 ment plan” means the management plan for the
 18 Conservation Area required to be developed under
 19 section 202(e).

20 (4) **SECRETARY.**—The term “Secretary” means
 21 the Secretary of the Interior, acting through the Di-
 22 rector of the Bureau of Land Management.

23 (5) **WESTERN LEGACY DISTRICT.**—The term
 24 “Western Legacy District” means the San Rafael

1 Western Legacy District established by section
 2 101(a).

3 **TITLE I—SAN RAFAEL WESTERN**
 4 **LEGACY DISTRICT**

5 **SEC. 101. ESTABLISHMENT OF THE SAN RAFAEL WESTERN**
 6 **LEGACY DISTRICT.**

7 (a) IN GENERAL.—There is established the San
 8 Rafael Western Legacy District.

9 (b) AREAS INCLUDED.—The Western Legacy Dis-
 10 trict shall consist of approximately 2,842,800 acres of land
 11 in the Emery County, Utah, as generally depicted on the
 12 map entitled “San Rafael Swell Western Legacy District
 13 and National Conservation Area” and dated _____.

14 (c) MAP AND LEGAL DESCRIPTION.—

15 (1) IN GENERAL.—As soon as practicable after
 16 the date of enactment of this Act, the Secretary
 17 shall submit to Congress a map and legal description
 18 of the Western Legacy District.

19 (2) EFFECT.—The map and legal description
 20 shall have the same effect as if included in this Act,
 21 except that the Secretary may correct errors in the
 22 map and legal description.

23 (3) COPIES.—Copies of the map and legal de-
 24 scription shall be on file and available for public in-
 25 spection in—

1 (A) the Office of the Director of the Bu-
2 reau of Land Management; and

3 (B) the appropriate office of the Bureau of
4 the Land Management in the State of Utah.

5 (d) LEGACY COUNCIL.—

6 (1) ESTABLISHMENT.—The Secretary shall es-
7 tablish a Legacy Council to advise the Secretary
8 with respect to the Western Legacy District.

9 (2) FUNCTION.—The Legacy Council may fur-
10 nish advice and recommendations to the Secretary
11 with respect to management, grants, projects, and
12 technical assistance.

13 (3) MEMBERSHIP.—The Legacy Council shall
14 consist of not more than 10 members appointed by
15 the Secretary as follows:

16 (A) 2 members from among the rec-
17 ommendations submitted by the Governor of
18 the State of Utah.

19 (B) 2 members from among the rec-
20 ommendations submitted by the Emery County,
21 Utah, Commissioners.

22 (C) The remaining members from among
23 persons who are recognized as experts in con-
24 servation of the historical, cultural, natural,
25 recreational, archaeological, environmental, bio-

logical, educational, and scenic resources or other disciplines directly related to the purposes for which the Western Legacy District is established.

(4) ~~RELATIONSHIP TO OTHER LAW.~~—The establishment and operation of the Legacy Council shall conform to the requirements of—

(A) the Federal Advisory Committee Act (5 U.S.C. App.); and

(B) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(c) ~~ASSISTANCE.~~—

(1) ~~IN GENERAL.~~—To carry out this section, the Secretary may make grants and provide technical assistance to any nonprofit organization or unit of government with authority in the boundaries of the Western Legacy District.

(2) ~~PERMITTED USES.~~—Grants and technical assistance under this section may be used for—

(A) planning;

(B) reports;

(C) studies;

(D) interpretive exhibits;

(E) historic preservation projects;

1 ~~(F)~~ construction of cultural, recreational,
 2 educational, and interpretive facilities that are
 3 open to the public; and

4 ~~(G)~~ such other expenditures as are con-
 5 sistent with this Act.

6 ~~(3)~~ ~~PLANNING.~~—Grants and technical assist-
 7 ance for use in planning activities may be provided
 8 under this subsection only to a unit of government
 9 or a political subdivision of the State of Utah in an
 10 amount—

11 ~~(A)~~ not to exceed \$100,000 for any fiscal
 12 year; and

13 ~~(B)~~ not to exceed an aggregate amount of
 14 \$200,000.

15 ~~(4)~~ ~~MATCHING FUNDS.~~—Federal funding pro-
 16 vided under this section may not exceed 50 percent
 17 of the total cost of the activity carried out with the
 18 funding, except that non-Federal matching funds are
 19 not required with respect to—

20 ~~(A)~~ planning activities carried out with as-
 21 sistance under paragraph ~~(3)~~; or

22 ~~(B)~~ use of assistance under this section for
 23 facilities located on public land and owned by
 24 the Federal Government.

1 ~~(5) AUTHORIZATION OF APPROPRIATIONS.—~~

2 There are authorized to be appropriated to carry out
3 this section not more than \$1,000,000 for each fiscal
4 year; not to exceed a total of \$10,000,000.

5 **SEC. 102. MANAGEMENT AND USE OF THE WESTERN LEG-**
6 **ACY DISTRICT.**

7 ~~(a) IN GENERAL.—~~The Secretary shall administer
8 the public land within the Western Legacy District in ac-
9 cordance with—

10 ~~(1) this Act; and~~

11 ~~(2) the applicable provisions of the Federal~~
12 Land Policy and Management Act ~~(43 U.S.C. 1701~~
13 et seq.).

14 ~~(b) USE OF PUBLIC LAND.—~~The Secretary shall
15 allow such uses of the public land as the Secretary deter-
16 mines will further the purposes for which the Western
17 Legacy District is established.

18 ~~(c) EFFECT OF ACT.—~~Nothing in this Act—

19 ~~(1) affects the jurisdiction or responsibilities of~~
20 the State of Utah with respect to fish and wildlife
21 in the Western Legacy District;

22 ~~(2) affects private property rights within the~~
23 Western Legacy District; or

1 ~~(3)~~ diminishes the authority, rights, or respon-
 2 sibilities of the Secretary for managing the public
 3 land within the Western Legacy District.

4 **TITLE H—SAN RAFAEL NA-**
 5 **TIONAL CONSERVATION AREA**

6 **SEC. 201. DESIGNATION OF THE SAN RAFAEL NATIONAL**
 7 **CONSERVATION AREA.**

8 ~~(a)~~ PURPOSES.—There is established the San Rafael
 9 National Conservation Area in the State of Utah.

10 ~~(b)~~ AREAS INCLUDED.—

11 ~~(1)~~ IN GENERAL.—Except as provided in para-
 12 graph ~~(2)~~, the Conservation Area shall consist of ap-
 13 proximately 947,000 acres of public land in Emery
 14 County, Utah, as generally depicted on the map en-
 15 titled “San Rafael Swell Western Legacy District
 16 and National Conservation Area” and dated
 17 _____.

18 ~~(2)~~ BOUNDARY.—The boundary of the Con-
 19 servation Area shall be set back 300 feet from the
 20 edge of the Interstate Route 70 right-of-way.

21 ~~(c)~~ MAP AND LEGAL DESCRIPTION.—

22 ~~(1)~~ IN GENERAL.—As soon as practicable after
 23 the date of enactment of this Act, the Secretary
 24 shall submit to Congress a map and legal description
 25 of the Conservation Area.

1 ~~(2) EFFECT.~~—The map and legal description
 2 shall have the same effect as if included in this Act,
 3 except that the Secretary may correct errors in the
 4 map and legal description.

5 ~~(3) COPIES.~~—Copies of the map and legal de-
 6 scription shall be on file and available for public in-
 7 spection in—

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

10 (B) the appropriate office of the Bureau of
 11 Land Management in the State of Utah.

12 **~~SEC. 202. MANAGEMENT OF THE CONSERVATION AREA.~~**

13 ~~(a) MANAGEMENT.~~—The Secretary shall manage the
 14 Conservation Area in a manner that—

15 ~~(1) conserves, protects, and enhances the re-~~
 16 sources and values of the Conservation Area, includ-
 17 ing the resources and values specified in section
 18 ~~2(2); and~~

19 ~~(2) is consistent with—~~

20 (A) the Federal Land Policy and Manage-
 21 ment Act of 1976 (~~43 U.S.C. 1701 et seq.~~); and

22 (B) other applicable provisions of law (in-
 23 cluding this Act).

24 ~~(b) USES.~~—

1 (1) IN GENERAL.—The Secretary shall allow
 2 only such uses of the Conservation Area as the Sec-
 3 retary finds will further the purposes for which the
 4 Conservation Area was established.

5 (2) MOTORIZED VEHICLES.—Except where
 6 needed for administrative purposes or to respond to
 7 an emergency, use of motorized vehicles in the Con-
 8 servation Area shall be permitted only on roads and
 9 trails designated for use of motorized vehicles as
 10 part of the management plan.

11 (c) WITHDRAWALS.—

12 (1) IN GENERAL.—Subject to valid existing
 13 rights and except as provided in paragraph (2), all
 14 Federal land within the Conservation Area and all
 15 land and interests in land that are acquired by the
 16 United States after the date of enactment of this
 17 Act are withdrawn from—

18 (A) all forms of entry, appropriation, or
 19 disposal under the public land laws;

20 (B) location, entry, and patent under the
 21 mining laws; and

22 (C) operation of the mineral leasing and
 23 geothermal leasing laws.

24 (2) COMMUNICATION FACILITIES.—

1 (A) IN GENERAL.—The Secretary may au-
 2 thorize the installation of communication facili-
 3 ties within the Conservation Area only to the
 4 extent that the facilities are necessary for pub-
 5 lic safety purposes.

6 (B) MINIMAL IMPACT.—Communication
 7 facilities shall—

8 (i) have a minimal impact on the re-
 9 sources of the Conservation Area; and

10 (ii) be consistent with the manage-
 11 ment plan.

12 (d) HUNTING, TRAPPING, AND FISHING.—

13 (1) IN GENERAL.—Except as provided in para-
 14 graph (2), the Secretary shall permit hunting, trap-
 15 ping, and fishing within the Conservation Area in
 16 accordance with applicable laws (including regula-
 17 tions) of the United States and the State of Utah.

18 (2) REGULATIONS.—The Secretary, after con-
 19 sultation with the Utah Division of Wildlife Re-
 20 sources, may promulgate regulations designating
 21 zones where and establishing periods when no hunt-
 22 ing, trapping, or fishing shall be permitted in the
 23 Conservation Area for reasons of public safety, ad-
 24 ministration, or public use and enjoyment.

25 (e) MANAGEMENT PLAN.—

1 (1) ~~IN GENERAL.~~—Not later than 4 years after
 2 the date of enactment of this Act, the Secretary
 3 shall develop a comprehensive plan for the long-
 4 range protection and management of the Conserva-
 5 tion Area.

6 (2) ~~CONTENTS.~~—The management plan—

7 (A) shall describe the appropriate uses and
 8 management of the Conservation Area con-
 9 sistent with this Act; and

10 (B) may—

11 (i) incorporate appropriate decisions
 12 contained in any management or activity
 13 plan for the area; and

14 (ii) use information developed in pre-
 15 vious studies of the land within or adjacent
 16 to the Conservation Area.

17 (f) ~~STATE TRUST LANDS.~~—The State of Utah and
 18 the Secretary may exchange Federal land, Federal mineral
 19 interests, or payment of money for land and mineral inter-
 20 ests of approximately equal value that are managed by the
 21 Utah School and Institutional Trust Lands Administra-
 22 tion within the Conservation Area.

23 (g) ~~ACCESS.~~—The Secretary, the State of Utah, and
 24 Emery County, Utah, may agree to resolve section 2477

1 of the Revised Statutes and other access issues within the
2 Conservation Area.

3 (h) WILDLIFE MANAGEMENT.—Nothing in this Act
4 diminishes the responsibility and authority of the State
5 of Utah for management of fish and wildlife within the
6 Conservation Area.

7 (i) GRAZING.—Where the Secretary permits livestock
8 grazing on the date of enactment of this Act, such grazing
9 shall be allowed subject to all applicable laws (including
10 regulations) and executive orders.

11 (j) NO BUFFER ZONES.—

12 (1) IN GENERAL.—Congress does not intend for
13 the establishment of the Conservation Area to lead
14 to the creation of protective perimeters or buffer
15 zones around the Conservation Area.

16 (2) ACTIVITIES OUTSIDE CONSERVATION
17 AREA.—That there may be activities or uses of land
18 outside the Conservation Area that would not be
19 permitted in the Conservation Area shall not pre-
20 clude such activities or uses on the land up to the
21 boundary of the Conservation Area (or on private
22 land within the Conservation Area) consistent with
23 other applicable laws.

24 (k) WATER RIGHTS.—

1 (1) IN GENERAL.—The establishment of the
 2 Conservation Area shall not constitute any implied
 3 or express reservation of any water or water right
 4 pertaining to surface or ground water.

5 (2) STATE RIGHTS.—Nothing in this Act
 6 affects—

7 (A) any valid existing surface water or
 8 ground water right in effect on the date of en-
 9 actment of this Act; or

10 (B) any water right approved after the
 11 date of enactment of this Act under the laws of
 12 the State of Utah or any other State.

13 (1) NO EFFECT ON APPLICATION OF OTHER ACTS.—

14 (1) IN GENERAL.—Nothing in this Act affects
 15 the application of any provision of the Wilderness
 16 Act (16 U.S.C. 1131) or the Federal Land Policy
 17 and Management Act of 1976 (43 U.S.C. 1701 et
 18 seq.) to wilderness resources in the Conservation
 19 Area.

20 (2) ISSUE RESOLUTION.—Recognizing that the
 21 designation of a wilderness area for inclusion in the
 22 National Wilderness Preservation System requires
 23 an Act of Congress, the Secretary, the State of
 24 Utah, Emery County, Utah, and affected stake-

1 holders may work toward resolving wilderness issues
 2 within the Conservation Area.

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “San Rafael Western Leg-*
 5 *acy District and National Conservation Act”.*

6 **SEC. 2. DEFINITIONS.**

7 *In this Act:*

8 (1) *CONSERVATION AREA.*—*The term “Conserva-*
 9 *tion Area” means the San Rafael National Conserva-*
 10 *tion Area established by section 201.*

11 (2) *SECRETARY.*—*The term “Secretary” means*
 12 *the Secretary of the Interior.*

13 (3) *WESTERN LEGACY DISTRICT.*—*The term*
 14 *“Western Legacy District” means the San Rafael*
 15 *Western Legacy District established by section 101.*

16 **TITLE I—SAN RAFAEL WESTERN**
 17 **LEGACY DISTRICT**

18 **SEC. 101. ESTABLISHMENT OF THE SAN RAFAEL WESTERN**
 19 **LEGACY DISTRICT.**

20 (a) *IN GENERAL.*—*In order to promote the preserva-*
 21 *tion, conservation, interpretation, scientific research, and*
 22 *development of the historical, cultural, natural, rec-*
 23 *reational, archeological, paleontological, environmental, bi-*
 24 *ological, educational, wilderness, and scenic resources of the*
 25 *San Rafael region of the State of Utah, as well as the eco-*

1 *nomic viability of rural communities in the region, there*
2 *is hereby established the San Rafael Western Legacy Dis-*
3 *trict, to include the San Rafael National Conservation Area*
4 *established by section 201.*

5 *(b) AREAS INCLUDED.—The Western Legacy District*
6 *shall consist of approximately 2,842,800 acres of land in*
7 *the County of Emery, Utah, as generally depicted on the*
8 *map entitled “San Rafael Western Legacy District and Na-*
9 *tional Conservation Area” and dated March 24, 2000.*

10 *(c) MAP AND LEGAL DESCRIPTION.—As soon as prac-*
11 *ticable after the date of the enactment of this Act, the Sec-*
12 *retary shall submit to the Congress a map and legal de-*
13 *scription of the Western Legacy District. The map and legal*
14 *description shall have the same force and effect as if in-*
15 *cluded in this Act, except the Secretary may correct clerical*
16 *and typographical errors in such map and legal descrip-*
17 *tion. Copies of the map and legal description shall be on*
18 *file and available for public inspection in the Office of the*
19 *Director of the Bureau of Land Management, and in the*
20 *appropriate office of the Bureau of the Land Management*
21 *in Utah.*

22 *(d) LEGACY COUNCIL.—*

23 *(1) IN GENERAL.—The Secretary shall establish*
24 *a Legacy Council to advise the Secretary with respect*
25 *to the Western Legacy District. The Legacy Council*

1 *may furnish advice and recommendations to the Sec-*
 2 *retary with respect to management, grants, projects,*
 3 *and technical assistance.*

4 (2) *MEMBERSHIP.—The Legacy Council shall*
 5 *consist of not more than 10 members appointed by the*
 6 *Secretary. Two members shall be appointed from*
 7 *among the recommendations submitted by the Gov-*
 8 *ernor of Utah and 2 members shall be appointed from*
 9 *among the recommendations submitted by the Emery*
 10 *County Commissioners. The remaining members shall*
 11 *be persons recognized as experts in conservation of the*
 12 *historical, cultural, natural, recreational, archeo-*
 13 *logical, environmental, biological, educational, and*
 14 *scenic resources or other disciplines directly related to*
 15 *the purposes for which the Western Legacy District is*
 16 *established.*

17 (3) *RELATIONSHIP TO OTHER LAW.—The estab-*
 18 *lishment and operation of the Legacy Council estab-*
 19 *lished under this section shall conform to the require-*
 20 *ment of the Federal Advisory Committee Act (5*
 21 *U.S.C. App.) and the Federal Land Policy and Man-*
 22 *agement Act of 1976 (43 U.S.C. 1701 et seq.).*

23 (e) *ASSISTANCE.—*

24 (1) *IN GENERAL.—The Secretary may make*
 25 *grants and provide technical assistance to accomplish*

1 *the purposes of this section to any nonprofit or unit*
 2 *of government with authority in the boundaries of the*
 3 *Western Legacy District.*

4 (2) *PERMITTED USES.*—*Grants and technical as-*
 5 *sistance made under this section may be used for*
 6 *planning, reports, studies, interpretive exhibits, his-*
 7 *toric preservation projects, construction of cultural,*
 8 *recreational, educational, and interpretive facilities*
 9 *that are open to the public, and such other expendi-*
 10 *tures as are consistent with this Act.*

11 (3) *PLANNING.*—*Up to \$100,000 of amounts*
 12 *available to carry out this section each fiscal year, up*
 13 *to a total amount not to exceed \$200,000, may be pro-*
 14 *vided under this subsection only to a unit of govern-*
 15 *ment or a political subdivision of the State of Utah*
 16 *for use for planning activities.*

17 (4) *MATCHING FUNDS.*—*Federal funding pro-*
 18 *vided under this section may not exceed 50 percent of*
 19 *the total cost of the activity carried out with such*
 20 *funding, except that non-Federal matching funds are*
 21 *not required with respect to—*

22 (A) *planning activities carried out with as-*
 23 *sistance under paragraph (3); and*

1 (B) *use of assistance under this section for*
 2 *facilities located on public lands and that are*
 3 *owned by the Federal Government.*

4 (5) *AUTHORIZATION OF APPROPRIATIONS.—*
 5 *There are authorized to be appropriated under this*
 6 *section not more than \$1,000,000 annually for any*
 7 *fiscal year, not to exceed a total of \$10,000,000.*

8 **SEC. 102. MANAGEMENT AND USE OF THE SAN RAFAEL**
 9 **WESTERN LEGACY DISTRICT.**

10 (a) *IN GENERAL.—The Secretary, through the Bureau*
 11 *of Land Management and subject to all valid existing*
 12 *rights, shall administer the public lands within the Western*
 13 *Legacy District pursuant to this Act and the applicable*
 14 *provisions of the Federal Land Policy and Management Act*
 15 *(43 U.S.C. 1701 et seq.). The Secretary shall allow such*
 16 *uses of the public land as the Secretary determines will fur-*
 17 *ther the purposes for which the Western Legacy District was*
 18 *established.*

19 (b) *FISH AND WILDLIFE.—Nothing in this Act shall*
 20 *be construed as affecting the jurisdiction or responsibilities*
 21 *of the State of Utah with respect to fish and wildlife within*
 22 *the Western Legacy District.*

23 (c) *PRIVATE LANDS.—Nothing in this Act shall be con-*
 24 *strued as affecting private property rights within the West-*
 25 *ern Legacy District.*

1 (d) *PUBLIC LANDS.*—*Nothing in this Act shall be con-*
 2 *strued as in any way diminishing the Secretary’s or the*
 3 *Bureau of Land Management’s authorities, rights, or re-*
 4 *sponsibilities for managing the public lands within the*
 5 *Western Legacy District.*

6 ***TITLE II—SAN RAFAEL***
 7 ***NATIONAL CONSERVATION AREA***

8 ***SEC. 201. DESIGNATION OF THE SAN RAFAEL NATIONAL***
 9 ***CONSERVATION AREA.***

10 (a) *PURPOSES.*—*In order to conserve, protect, and en-*
 11 *hance for the benefit and enjoyment of present and future*
 12 *generations the unique and nationally important values of*
 13 *the Western Legacy District and the public lands described*
 14 *in subsection (b), including historical, cultural, natural,*
 15 *recreational, scientific, archeological, paleontological, envi-*
 16 *ronmental, biological, wilderness, wildlife, educational, and*
 17 *scenic resources, there is hereby established the San Rafael*
 18 *National Conservation Area in the State of Utah.*

19 (b) *AREAS INCLUDED.*—*The Conservation Area shall*
 20 *consist of approximately 947,000 acres of public lands in*
 21 *the County of Emery, Utah, as generally depicted on the*
 22 *map entitled “San Rafael Western Legacy District and Na-*
 23 *tional Conservation Area” and dated March 24, 2000. Not-*
 24 *withstanding any depiction on such map, the boundary of*
 25 *the Conservation Area shall be set back 300 feet from the*

1 *edge of the Interstate 70 right-of-way and 300 feet from the*
 2 *edge of the State Route 24 right-of-way.*

3 (c) *MAP AND LEGAL DESCRIPTION.*—*As soon as prac-*
 4 *ticable after the date of the enactment of this Act, the Sec-*
 5 *retary shall submit to the Congress a map and legal de-*
 6 *scription of the Conservation Area. The map and legal de-*
 7 *scription shall have the same force and effect as if included*
 8 *in this Act, except the Secretary may correct clerical and*
 9 *typographical errors in such map and legal description.*
 10 *Copies of the map and legal description shall be on file and*
 11 *available for public inspection in the Office of the Director*
 12 *of the Bureau of Land Management and in the appropriate*
 13 *office of the Bureau of Land Management in Utah.*

14 **SEC. 202. MANAGEMENT OF THE SAN RAFAEL NATIONAL**
 15 **CONSERVATION AREA.**

16 (a) *MANAGEMENT.*—*The Secretary, acting through the*
 17 *Bureau of Land Management, shall manage the Conserva-*
 18 *tion Area in a manner that conserves, protects, and en-*
 19 *hances its resources and values, including those resources*
 20 *and values specified in section 201(a), and pursuant to the*
 21 *Federal Land Policy and Management Act of 1976 (43*
 22 *U.S.C. 1701 et seq.), and other applicable provisions of law,*
 23 *including this Act.*

1 (b) *USES.—The Secretary shall allow only such uses*
 2 *of the Conservation Area as the Secretary finds will further*
 3 *the purposes for which the Conservation Area is established.*

4 (c) *VEHICULAR USES.—*

5 (1) *IN GENERAL.—Except where needed for ad-*
 6 *ministrative purposes or to respond to an emergency,*
 7 *and subject to paragraph (2), use of motorized vehi-*
 8 *cles in the Conservation Area shall be—*

9 (A) *prohibited at all times in areas where*
 10 *roads and trails did not exist as of February 2,*
 11 *2000;*

12 (B) *limited to roads and trails that—*

13 (i) *existed as of February 2, 2000; and*

14 (ii) *are designated for motorized vehi-*
 15 *cle use as part of the management plan pre-*
 16 *pared pursuant to subsection (f); and*

17 (C) *managed consistent with section 8340 of*
 18 *title 43, Code of Federal Regulations (relating to*
 19 *designating public lands as open, limited, or*
 20 *closed to the use of off-road vehicles and estab-*
 21 *lishing controls governing the use and operation*
 22 *of off-road vehicles in such areas).*

23 (2) *LIMITATION ON APPLICATION.—(A) Subpara-*
 24 *graphs (A) and (B) of paragraph (1) do not limit the*

1 *provision of reasonable access to private lands or*
2 *State lands within the Conservation Area.*

3 *(B) Any access to private lands or State lands*
4 *pursuant to subparagraph (A) of this paragraph shall*
5 *be restricted to exclusive use by, respectively, the*
6 *owner of the private lands or the State.*

7 *(d) WITHDRAWALS.—*

8 *(1) IN GENERAL.—Subject to valid existing*
9 *rights and except as provided in paragraph (2), all*
10 *Federal lands within the Conservation Area and all*
11 *lands and interests therein that are hereafter acquired*
12 *by the United States are hereby withdrawn from all*
13 *forms of entry, appropriation, or disposal under the*
14 *public land laws and from location, entry, and patent*
15 *under the mining laws, and from operation of the*
16 *mineral leasing and geothermal leasing laws and all*
17 *amendments thereto. Nothing in this paragraph shall*
18 *be construed to effect discretionary authority of the*
19 *Secretary under other Federal laws to grant, issue, or*
20 *renew rights-of-way or other land use authorizations*
21 *consistent with the other provisions of this Act.*

22 *(2) COMMUNICATION FACILITIES.—The Secretary*
23 *may authorize the installation of communications fa-*
24 *cilities within the Conservation Area, but only to the*
25 *extent that they are necessary for public safety pur-*

1 *poses. Such facilities must have a minimal impact on*
2 *the resources of the Conservation Area and must be*
3 *consistent with the management plan established*
4 *under subsection (f).*

5 *(e) HUNTING, TRAPPING, AND FISHING.—Hunting,*
6 *trapping, and fishing shall be permitted within the Con-*
7 *servation Area in accordance with applicable laws and reg-*
8 *ulations of the United States and the State of Utah, except*
9 *that the Utah Division of Wildlife Resources, or the Sec-*
10 *retary after consultation with the Utah Division of Wildlife*
11 *Resources, may issue regulations designating zones where*
12 *and establishing periods when no hunting, trapping, or*
13 *fishing shall be permitted for reasons of public safety, ad-*
14 *ministration, or public use and enjoyment.*

15 *(f) MANAGEMENT PLAN.—Within 4 years after the*
16 *date of enactment of this Act, the Secretary shall develop*
17 *a comprehensive plan for the long-range protection and*
18 *management of the Conservation Area. The plan shall de-*
19 *scribe the appropriate uses and management of the Con-*
20 *servation Area consistent with the provisions of this Act.*
21 *The plan shall include, as an integral part, a comprehen-*
22 *sive transportation plan for the lands within the Conserva-*
23 *tion Area. In preparing the transportation plan the Sec-*
24 *retary shall conduct a complete review of all roads and*
25 *trails within the Conservation Area. The plan may incor-*

1 porate appropriate decisions contained in any current
 2 management or activity plan for the area and may use in-
 3 formation developed in previous studies of the lands within
 4 or adjacent to the Conservation Area.

5 (g) *STATE TRUST LANDS.*—*The State of Utah and the*
 6 *Secretary may agree to exchange Federal lands, Federal*
 7 *mineral interests, or payment of money for lands and min-*
 8 *eral interests of approximately equal value that are man-*
 9 *aged by the Utah School and Institutional Trust Lands Ad-*
 10 *ministration and inheld within the boundaries of the Con-*
 11 *servation Area.*

12 (h) *ACCESS.*—*The Bureau of Land Management, the*
 13 *State of Utah, and Emery County may agree to resolve sec-*
 14 *tion 2477 of the Revised Statutes and other access issues*
 15 *within the Conservation Area.*

16 (i) *WILDLIFE MANAGEMENT.*—*Nothing in this Act*
 17 *shall be deemed to diminish the responsibility and author-*
 18 *ity of the State of Utah for management of fish and wildlife*
 19 *within the Conservation Area.*

20 (j) *GRAZING.*—*Where the Secretary of the Interior cur-*
 21 *rently permits grazing, such grazing shall be allowed subject*
 22 *to all applicable laws, regulations, and executive orders.*

23 (k) *NO BUFFER ZONES.*—*The Congress does not in-*
 24 *tend for the establishment of the Conservation Area to lead*
 25 *to the creation of protection perimeters or buffer zones*

1 around the Conservation Area. The fact that there may be
 2 activities or uses on lands outside the Conservation Area
 3 that would not be permitted in the Conservation Area shall
 4 not preclude such activities or uses on such lands up to the
 5 boundary of the Conservation Area consistent with other
 6 applicable laws.

7 (l) *WATER RIGHTS.*—Because the available water re-
 8 sources in the drainage basins included in part within the
 9 exterior boundaries of the Conservation Area have already
 10 been appropriated—

11 (1) nothing in this Act, the management plan re-
 12 quired by subsection (f), or any action taken pursu-
 13 ant thereto, shall constitute either an express or im-
 14 plied reservation of surface or ground water;

15 (2) nothing in this Act affects any valid existing
 16 water rights in existence before the date of enactment
 17 of this Act, including any water rights held by the
 18 United States; and

19 (3) if the United States determines that addi-
 20 tional water resources are needed for the purposes of
 21 this Act, the United States shall work, with or
 22 through any agency that is eligible to hold instream
 23 flow water rights, to acquire such rights in accord-
 24 ance with Utah State water law.

1 (m) *WILDERNESS ACTS.*—*Nothing in this Act alters*
2 *the provisions of the Wilderness Act of 1964 (16 U.S.C.*
3 *1131) or the Federal Land Policy and Management Act of*
4 *1976 (43 U.S.C. 1701 et seq.) as they pertain to wilderness*
5 *resources within the Conservation Area. Recognizing that*
6 *the designation of wilderness areas requires an Act of Con-*
7 *gress, the Bureau of Land Management, the State of Utah,*
8 *Emery County, and affected stakeholders may work toward*
9 *resolving various wilderness issues within the Conservation*
10 *Area.*

11 **SEC. 203. AUTHORIZATION OF APPROPRIATIONS.**

12 *There are authorized to be appropriated to the Sec-*
13 *retary to carry out this title such sums as may be necessary.*

Calendar No. 791

106TH CONGRESS
2D SESSION

S. 2048

[Report No. 106-401]

A BILL

To establish the San Rafael Western Legacy District in the State of Utah, and for other purposes.

SEPTEMBER 7, 2000

Reported with an amendment