

107TH CONGRESS
2D SESSION

H. R. 4076

To modify the boundaries of the Agua Fria National Monument in the State of Arizona to clarify Bureau of Land Management administrative responsibilities regarding the Monument, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 2002

Mr. STUMP introduced the following bill; which was referred to the Committee on Resources

A BILL

To modify the boundaries of the Agua Fria National Monument in the State of Arizona to clarify Bureau of Land Management administrative responsibilities regarding the Monument, 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,*

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Agua Fria National Monument Technical Corrections
6 Act of 2002”.

7 (b) TABLE OF CONTENTS.—The table of contents of
8 this Act is as follows:

Sec. 1. Short title; table of contents.
 Sec. 2. Definitions.
 Sec. 3. Boundary modifications.
 Sec. 4. Administration of Monument.
 Sec. 5. Effect on existing and historical uses of Federal lands in Monument.
 Sec. 6. Effect on grazing.
 Sec. 7. Land acquisition.
 Sec. 8. Effect on water rights.
 Sec. 9. Effect on use of Presidential authority to expand Monument.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) MONUMENT.—The term “Monument”
 4 means the Agua Fria National Monument estab-
 5 lished by Presidential Proclamation 7263 of January
 6 11, 2000 (65 Fed. Reg. 2817).

7 (2) SECRETARY.—The term “Secretary” means
 8 the Secretary of the Interior, acting through the Bu-
 9 reau of Land Management.

10 (3) ADVISORY COMMITTEE.—The term “advi-
 11 sory committee” means the Agua Fria National
 12 Monument Advisory Committee established pursuant
 13 to section 4.

14 (4) STATE.—The term “State” means the State
 15 of Arizona.

16 **SEC. 3. BOUNDARY MODIFICATIONS.**

17 (a) REMOVAL OF LANDS.—The Secretary shall mod-
 18 ify the boundaries of the Monument to exclude from the
 19 Monument the following parcels of land:

20 (1) The north ½ of section 17, township 11
 21 north, range 3 east, Gila and Salt River meridian.

1 (2) All private lands located within section 25,
2 township 11 north, range 3 east, Gila and Salt River
3 meridian.

4 (b) ADJUSTMENT OF WESTERN BOUNDARY.—The
5 Secretary shall modify the western boundary of the Monu-
6 ment to be at least 400 feet east of the existing State
7 Department of Transportation right-of-way.

8 **SEC. 4. ADMINISTRATION OF MONUMENT.**

9 (a) MANAGEMENT AUTHORITY.—

10 (1) USE OF BUREAU OF LAND MANAGEMENT.—
11 Subject to this Act, the administration, protection,
12 and development of the Monument shall be exercised
13 under the direction of the Secretary by the Bureau
14 of Land Management.

15 (2) RELATED PROHIBITIONS.—The Secretary
16 may not use the National Park Service or the Fish
17 and Wildlife Service to administer the Monument.
18 The Secretary may not include or manage the
19 Monument, or any portion of the Monument, as a
20 unit of the National Park System, the National Wil-
21 derness Preservation System, or the National Wild-
22 life Refuge System, except by express authorization
23 of Congress in a law enacted after the date of the
24 enactment of this Act.

1 (b) REVIEW OF INTERIM MANAGEMENT POLICY.—

2 The Secretary shall review the interim management policy
3 for the administration of the Monument, which is dated
4 October 1, 2001, and was prepared by the Bureau of Land
5 Management, to ensure the consistency of the policy with
6 this Act.

7 (c) MANAGEMENT PLAN.—Within two years after the
8 enactment of this Act, the Secretary shall develop a com-
9 prehensive plan for the long-range management of the
10 Monument. The plan shall be developed with full oppor-
11 tunity for public participation and comment and shall con-
12 tain provisions designed to ensure protection of the ar-
13 chaeological, scientific, educational, historical, ranching,
14 and recreational resources and values of the Monument.

15 (d) ADVISORY COMMITTEE.—

16 (1) ESTABLISHMENT.—The Secretary shall es-
17 tablish an advisory committee for the Monument, to
18 be known as the “Agua Fria National Monument
19 Advisory Committee”, whose purpose shall be to ad-
20 vise the Secretary with respect to the preparation
21 and implementation of the management plan re-
22 quired by subsection (c).

23 (2) REPRESENTATION.—The advisory com-
24 mittee shall consist of eight members appointed by
25 the Secretary, as follows:

1 (A) One member appointed from nomina-
2 tions submitted by the Governor of the State.

3 (B) One member appointed from nomina-
4 tions submitted by the State Game and Fish
5 Commission.

6 (C) One member who is a recognized ar-
7 chaeologist residing in the State, appointed
8 from nominations supplied by institutions of
9 higher education in the State.

10 (D) One member appointed from nomina-
11 tions supplied by the Board of Supervisors for
12 Yavapai County, Arizona.

13 (E) One member holding a grazing permit
14 within the boundaries of the Monument.

15 (F) One member who has a recognized
16 background in wildlife conservation, riparian
17 ecology, archaeology, paleontology, or other dis-
18 cipline directly related to the primary purposes
19 for which the Monument was established.

20 (G) One member residing in Arizona ap-
21 pointed from nominations by the Inter-Tribal
22 Council of Arizona.

23 (H) One member who represents rec-
24 reational users of the Monument.

1 (3) TERMS.—Members of the advisory com-
2 mittee shall be appointed for terms of three years,
3 except that of the members first appointed, two shall
4 be appointed for terms of one year and three shall
5 be appointed for terms of two years.

6 **SEC. 5. EFFECT ON EXISTING AND HISTORICAL USES OF**
7 **FEDERAL LANDS INCLUDED IN MONUMENT.**

8 (a) RECOGNITION OF EXISTING USES.—The designa-
9 tion of the Monument by Proclamation 7263 shall not be
10 construed to alter the existing authorized uses of the Fed-
11 eral lands included in the Monument. For purposes of this
12 subsection, the Secretary shall treat a land use as an exist-
13 ing authorized land use if that land use was an authorized
14 use as of January 1, 2000.

15 (b) HUNTING, TRAPPING, AND FISHING.—The Sec-
16 retary shall allow hunting, trapping, and fishing on lands
17 and waters within the Monument in accordance with appli-
18 cable State law and in consultation with State agencies.
19 The establishment of the Monument shall neither enlarge
20 nor diminish the jurisdiction of the State of Arizona with
21 respect to fish and wildlife management within the Monu-
22 ment.

23 (c) MOTORIZED VEHICLES.—The Secretary shall
24 continue to allow the use of motorized vehicles on des-
25 ignated roads and trails within the Monument. Motorized

1 vehicle use off-road shall be prohibited, except for emer-
2 gency, administrative, or any other purpose authorized by
3 the Secretary. The Secretary shall also allow the use of
4 nonmotorized, wheeled game carriers within the Monu-
5 ment for the removal of downed big game.

6 (d) MAINTENANCE.—The designation of the Monu-
7 ment shall not be construed to affect the maintenance of,
8 or access to, rights-of-way and other easements, and the
9 improvements thereon, including electric transmission fa-
10 cilities, within the Monument.

11 **SEC. 6. EFFECT ON GRAZING.**

12 (a) FINDINGS.—Congress finds the following:

13 (1) Livestock grazing is an important historic
14 and traditional use of the Federal lands included in
15 the Monument.

16 (2) Continued livestock grazing on these lands
17 is compatible with the purposes for which the Monu-
18 ment was established.

19 (b) GRAZING.—The Secretary shall permit the graz-
20 ing of livestock in the Monument in accordance with all
21 laws (including regulations) that apply to the issuance and
22 administration of grazing leases and range improvements
23 on other land under the jurisdiction of the Bureau of Land
24 Management.

1 (c) GRAZING LEVELS.—The establishment of the
2 Monument shall neither diminish nor increase the author-
3 ized grazing levels in the Monument.

4 (d) ACCESS AND IMPROVEMENTS.—The establish-
5 ment of the Monument shall have no impact on the ability
6 of grazing lease holders, their designees, and their succes-
7 sors in interest to maintain, develop, and construct new
8 stock tanks, wells, corrals, buildings, and other man-made
9 structures and improvements within their allotments that
10 are necessary for their grazing operations.

11 **SEC. 7. LAND ACQUISITION.**

12 The Secretary may acquire State or privately held
13 land or interests in land within the boundaries of the
14 Monument only by donation, purchase with donated or ap-
15 propriated funds from a willing seller, or exchange with
16 a willing party.

17 **SEC. 8. EFFECT ON WATER RIGHTS.**

18 Nothing in this Act or Presidential Proclamation
19 7263 of January 11, 2000, shall be construed to establish
20 a new or implied reservation to the United States of any
21 water or water-related right with respect to lands included
22 in the Monument. No provision of this Act or the Procla-
23 mation shall be construed as authorizing the appropriation
24 of water, except in accordance with the substantive and
25 procedural law of the State.

1 **SEC. 9. EFFECT ON USE OF PRESIDENTIAL AUTHORITY TO**
2 **EXPAND MONUMENT.**

3 (a) FURTHER EXPANSION PRECLUDED.—Subject to
4 subsection (c), the designation of the Monument by Presi-
5 dential Proclamation 7263 of January 11, 2000, and the
6 enactment of this Act shall preclude the use by the Presi-
7 dent, or any designee of the President, of the authority
8 provided in the Act of June 8, 1906 (commonly known
9 as the Antiquities Act; U.S.C. 431 et seq.), to expand by
10 presidential proclamation the boundaries of the Monument
11 to include any other Federal lands.

12 (b) STUDY.—Within one year after the date of the
13 enactment of this Act, the Secretary, in consultation with
14 the Secretary of the Agriculture, shall submit to the Presi-
15 dent a study containing such recommendations as the Sec-
16 retaries consider appropriate regarding any boundary
17 changes to the Monument that would advance the public
18 interest through—

19 (1) enhanced protection of the archaeological
20 resources located within the Monument and on adja-
21 cent lands, including National Forest System lands;
22 or

23 (2) expanded opportunities for public education
24 and scientific research concerning these archae-
25 ological resources.

1 (c) AUTHORIZATION OF BOUNDARY ADJUSTMENT.—
2 During the 90-day period beginning on the date of the
3 submission of the study under subsection (b), the Presi-
4 dent may adjust the boundaries of the Monument in light
5 of the recommendations contained in the study, except
6 that the total size of the Monument may not exceed
7 88,000 acres.

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